



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
NOVEMBER 18, 2014

MAYOR BARBARA HALLIDAY
MAYOR PRO TEMPORE GREG JONES
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER AL MENDALL
COUNCIL MEMBER SARA LAMNIN
COUNCIL MEMBER ELISA MÁRQUEZ

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CITY OF
HAYWARD

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CITY COUNCIL MEETING FOR NOVEMBER 18, 2014

777 B STREET, HAYWARD, CA 94541

WWW.HAYWARD-CA.GOV

CLOSED SESSION

Closed Session Room 2B – 4:30 PM

1. PUBLIC COMMENTS

2. Public Employment

Pursuant to Government Code 54957

➤ Performance Evaluation

City Manager

3. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

➤ Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Director of Maintenance Services McGrath; Engineering & Transportation Director Fakhrai; Acting Human Resources Director Collins; Deputy City Attorney Vashi; Senior Human Resources Analyst Monnastes; Community and Media Relations Officer Holland; Jack Hughes, Liebert, Cassidy and Whitmore

Under Negotiation: All Groups

4. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

- City of Hayward v. Van Dera, et al., Alameda County Superior Court No. HG13692338
- Russell City Energy Company v. City of Hayward, U.S. District Court, N.D. CA., No. C-14-03102-JSW

5. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: APNs 443-005-0008-05, 443-005-0006-00, and 443-005-0012-00.

Located at 5, 31, and 73 West Jackson Street, Hayward, CA

Property Negotiators: City Manager David, Assistant City Manager McAdoo, Engineering & Transportation Director Fakhrai, City Attorney Lawson

6. Adjourn to City Council meeting

**CITY COUNCIL MEETING
Council Chambers – 7:00 PM**

CALL TO ORDER Pledge of Allegiance Council Member Jones

ROLL CALL

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION

1. 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum Project — Design Update (Presentation from Library & Community Services Director Reinhart)

[Staff Report](#)

2. Route 238 Corridor Improvement Project – Report on Status and Accomplishments (Presentation from Director of Engineering and Transportation Fakhrai)

[Staff Report](#)

[Attachment I](#)

3. Update of Development Review and Building Permit/Inspection Processes and Plan for System Improvements (Presentation from Development Services Director Rizk)

[Staff Report](#)

[Attachment I - Process Improvement Summary](#)

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*



CONSENT

4. Approval of Minutes of the Special Joint City Council/Housing Authority/Redevelopment Successor Agency/Hayward Public Financing Authority Meeting on October 21, 2014
[Draft Minutes](#)
5. Approval of Minutes of the City Council Meeting on October 28, 2014
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6. Approval of Minutes of the City Council Meeting on November 4, 2014
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7. Policy in Support of a Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace
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12. Cannery Area Regional Transit Alternative Study – Authorization to Accept Federal Transportation Planning Grant, Authorizing the City Manager to Execute the Agreement, and Appropriation of Funds

[Staff Report](#)
[Attachment I](#)
[Attachment II](#)

13. Acceptance of Baseball Tomorrow Fund Award

[Staff Report](#)
[Attachment I Resolution](#)

Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the “information” items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.

INFORMATION ITEMS

None

CITY MANAGER’S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT

November 25, 2014 * Canceled *****
NEXT MEETING – 7:00 PM, Tuesday, December 2, 2014

PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

PLEASE TAKE NOTICE *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*



PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

*****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. *****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Please visit us on:



DATE: November 18, 2014

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum Project — Design Update

RECOMMENDATION

That the Council reviews this report and provides feedback on the design and construction of the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum project.

SUMMARY

This report discusses the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum project. Staff seeks Council's input on the project design and assent to move forward with the development of construction documents in keeping with the established project timeline.

BACKGROUND

I. Relevant Project Data and Background Documents

This project has been many years in development. The need for a new library facility in Hayward was identified by City leaders as early as 1998. Preliminary design work began with the selection of project architectural firm Noll+Tam in 2007. Since design work began, the project has proceeded apace through several phases up to and including the completion of the design development phase.

For Council's convenience, quick links to previously presented project data, background information, and relevant documents – approximately 900 pages of material spanning several years and involving many thousands of hours of effort – are provided in the list below:

2008: [Community Needs Analysis for a New Hayward Library](#)
(Page+Moris, 2008; 83 pages. <http://bit.ly/Community-needs-analysis>)

2008: [Site Recommendation – Library Commission](#)
(COH, 11/17/2008; 7 pages. <http://bit.ly/Lib-commission-11-17-2008>)

- 2010: [Building Program – Hayward Library and Community Learning Center](#)
(Page + Moris, 2010; 140 pages. <http://bit.ly/Building-program>)
- 2010: [Preliminary Design Concepts for a New Library and Plaza – Presentation](#)
(Noll+Tam Architects/COH, 11/09/2010; 94 pages. <http://bit.ly/Prelim-design-presentation>)
- 2010: [Preliminary Design Options for a New Library and Plaza – Staff Report](#)
(COH, 11/09/2010; 12 pages. <http://bit.ly/Prelim-design-report>)
- 2011: [Bond Measure Feasibility Survey](#)
(Godbe Research, 2011; 386 pages. <http://bit.ly/Bond-feasibility-survey>)
- 2012: [Data – Bay Area Library Rankings by Size](#)
(California State Library, 2012; 1 page. <http://bit.ly/Library-size-per-capita>)
- 2013: [Design Visualizations of a 21st Century Library and Plaza - Presentation](#)
(Noll+Tam Architects/COH, 07/16/2013; 37 pages. <http://bit.ly/design-visualizations>)
- 2013: [Design Visualizations of a 21st Century Library and Plaza – Staff Report](#)
(COH, 07/16/2013; 12 pages. <http://bit.ly/design-viz-report>)
- 2013: [Facilities Measure Feasibility Survey](#)
(Godbe Research, 12/17/2013; 17 pages. http://bit.ly/polling-results_2013)
- 2014: [Resolution Placing a Revenue Measure on the June Ballot - Presentation](#)
(COH, 03/04/2014; 13 pages. <http://bit.ly/measure-c-presentation>)
- 2014: [Resolution Placing a Revenue Measure on the June Ballot – Staff Report](#)
(COH, 03/04/2014; 22 pages. <http://bit.ly/measure-c-report>)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Staff Report](#)
(COH, 06/24/2014; 3 pages. http://bit.ly/2014-design_report)
- 2014: [21st Century Library and Heritage Plaza/Arboretum – Presentation](#)
(Noll+Tam Architects/COH, 06/24/2014; 76 pages. http://bit.ly/2014-design_presentation)

II. Community Engagement Timeline

Extensive, data-driven community engagement work involving thousands of Hayward residents and stakeholders has helped inform the design of the 21st Century Library and Community Center and

Heritage Plaza/Arboretum project. This work began in 2007 and continues through the present day. To date, scores of community focus groups, multiple opinion surveys, and dozens of public meetings have been undertaken, involving many thousands of Hayward community members. What follows is a summary of the community engagement and surveys undertaken for this project:

- 2007: Extensive community surveys, interviews, and focus groups are convened to inform a comprehensive community needs assessment, involving over 1,800 participants.
- 2008: The *Community Needs Analysis for the Future Hayward Library* report is presented to Council and made available to the public in the Library and on the City website.
- 2008: The Library Commission holds several public meetings to discuss the draft building program; review and discuss building site alternatives; and recommend a building site to Council.
- 2010: Community stakeholder focus groups are convened to discuss and develop preliminary building design options and “open space” plaza/arboretum design concept.
- 2010: The *Hayward Library & Community Learning Center Building Program* – containing detailed space allocations and adjacencies for the new facility – is published and made available to the public in the Library on the City’s website.
- 2010: Library Commission public meetings to review and discuss preliminary building design options and plaza/arboretum open space concept for recommendation to Council.
- 2010: City Council and Library Commission jointly convene in public work session to review preliminary building design options and plaza open space concept.
- 2011: Calpine Corporation donates \$10,000,000 to the City of Hayward to help fund the 21st Century Library & Community Learning Center project.
- 2011: Bond Measure Feasibility Survey conducted to assess Hayward voter support for a potential facility bond measure to address an array of critical public facility needs including the library and plaza/arboretum project.
- 2013: Council Budget & Finance Committee convenes to review and discuss financing mechanisms for the City’s critical facility needs including the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum.
- 2013: City Council convenes in work session to review new design visualizations of the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum.
- 2014: Extensive community surveying and outreach is conducted in late 2013 and early 2014 to assess residents’ priorities for critical facility and service needs, including the 21st Century Library and Heritage Plaza/Arboretum project.

- 2014: City Council places a revenue measure on the June 3, 2014 ballot to provide funding to complete the 21st Century Library & Community Learning Center and Heritage Plaza/Arboretum project, among other critical facility and service needs.
- 2014: Community meetings to gather more public input and feedback on the 21st Century Library project and design concepts for the restoration of the Heritage Plaza/Arboretum.
- 2014: A comprehensive project website is launched, www.haywardlibrary.org. The site provides public access to all relevant project renderings, documents, and data, and includes a feedback feature for submitting comments and questions about the project online.
- 2014: Measure C, a half-cent local sales tax to fund critical City facilities and services including the 21st Century Library and Heritage Plaza/Arboretum project, is passed by Hayward voters by an overwhelming 2-to-1 margin.

III. Additional Background Information

The construction of a new 21st Century Library and Community Learning Center and a restored Heritage Plaza/Arboretum has long been identified by City Council and the Hayward community as a critically important capital need. Since the initiation of design work in 2007, the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum project has progressed through multiple design phases up to and including the completion of the design development phase.

Additional background information about the project, including in-depth analyses of community need, detailed renderings of the library facility and the open space plaza/arboretum design, and the project's cost estimates and green/sustainability goals can be found on the project website: www.haywardlibrary.org.

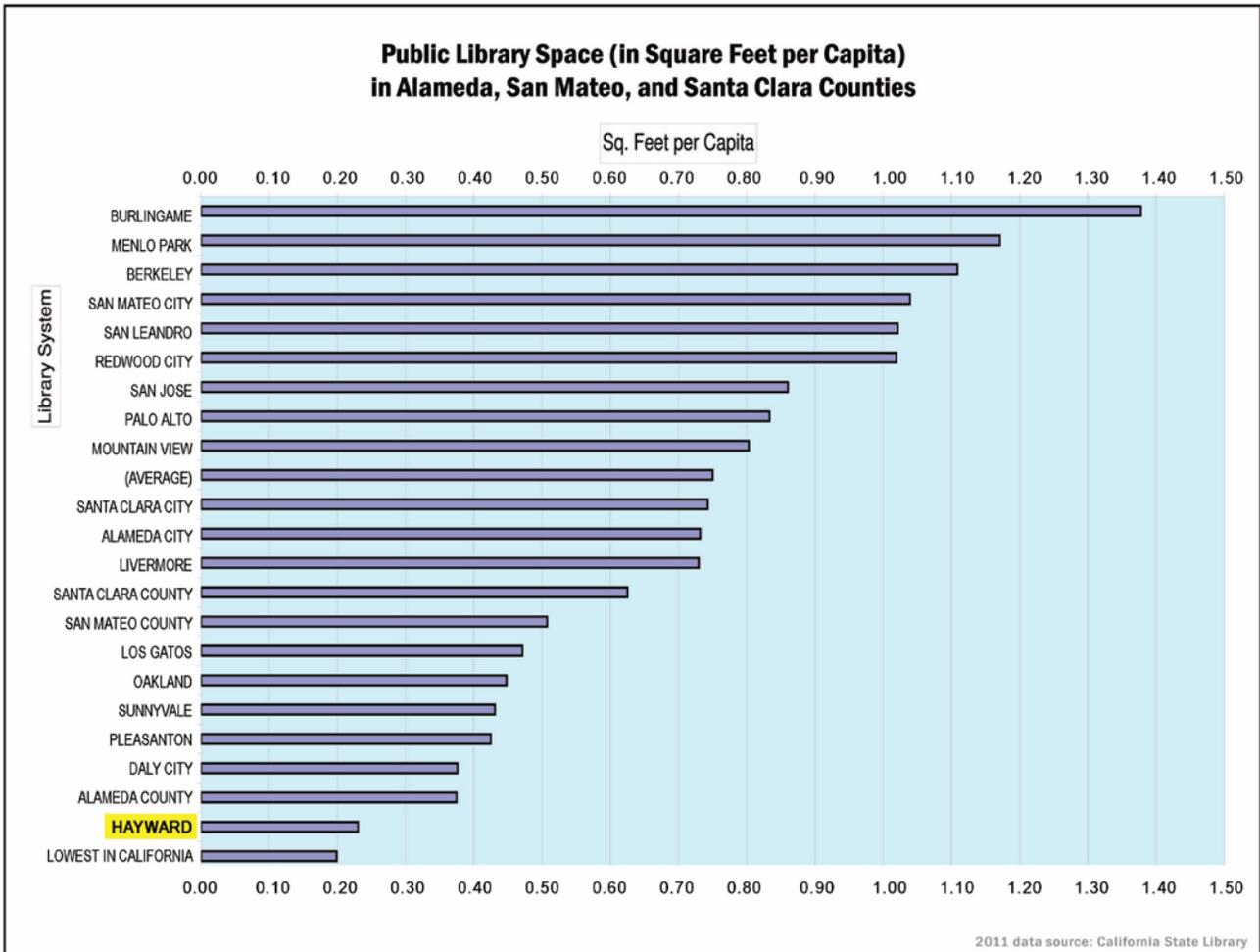
DISCUSSION

I. The Need for a 21st Century Library and Community Learning Center

Hayward has far outgrown its existing library. When the present Hayward Main Library was built in 1951, Hayward had a population of 14,000 people. Today, Hayward is the Bay Area's fifth largest city, a bustling and diverse community of nearly 150,000 people.

Although it is among the largest and most populous cities in the region, Hayward's libraries are by far the smallest of any jurisdiction in the Bay Area when measured by square feet per capita. In fact, Hayward's libraries are among the very smallest in the entire State of California (Figure 1).

Figure 1. Comparative analysis of library space per capita in nearby jurisdictions



(A large format version of this chart is available online at <http://bit.ly/Library-size-per-capita>)

As Hayward’s population continues to grow, pressure on the existing 1950’s era Main Library building continues to increase. Today, Hayward Library is busier than ever before in its 100-year history, with well over one million library books and media items circulated annually.

Foot traffic is also at record high levels. The downtown Main Library is visited over 400,000 times per year. Library tutoring centers serve 1,500 Hayward students, a total of 15,000 individual tutoring sessions per year. Library computers – a vital community resource – log over 120,000 individual internet sessions per year, an average of forty minutes per session.

In addition to their increased use, the Library facilities have evolved from being a simple source of circulated materials and reference to a critical community education resource offering literacy training, after-school homework assistance, early childhood development, computer software support; and many other programs in addition to increased circulation of multi-media materials.

To address these critical needs, in 2007 the City of Hayward initiated a planning and community feedback process to determine the library spaces and learning services needed to serve the Hayward community over the next thirty years. The resulting [Community Needs Analysis](#) (2008) concluded that Hayward's current level of library space of 0.23 square feet per capita is extremely deficient, and recommended that overall library space in Hayward should be increased to at least 0.46 to 0.50 square feet per capita, and ideally to the Bay Area average of 0.75 square feet per capita.

The study also concluded that the undersized and outdated Main Library should be replaced by a new 55,000+ square foot, multi-level facility designed to meet the Hayward community's needs through the year 2030 and beyond¹. This recommendation was derived from data showing current and projected space and service demands, and the significant deficiencies in the current 1950s era Main Library structure.

The current 1950's era Main Library facility lacks the infrastructure and physical space needed to adapt to rapid advances in technology and meet growing community need. Furthermore, the structure itself is nearing, and in some cases has reached or exceeded, the end of its serviceable life.

The building's mechanical and electrical systems and distribution are antiquated and convoluted. Data and electrical wiring conduit is at maximum capacity and cannot accommodate additional computers and other technology though more is needed. Decentralized plumbing and restrooms are inefficient, inadequate, and increasingly difficult to maintain.

The building sorely lacks energy efficiency systems, and is costly to heat, cool and ventilate – resulting in wasted energy and an increased carbon footprint. The building's antiquated, inflexible design and construction makes retrofitting these systems problematic and costly, and in many cases infeasible. Annual maintenance costs for the deteriorating facility are expensive and increasing.

Disability access regulations have changed dramatically since the building was constructed. The building's location in the center of the plaza, and the lack of elevator access to some second floor areas of the building, greatly hinders access by individuals with limited mobility such as seniors, people with disabilities, and parents with young children in strollers.

Seismic safety standards also have advanced exponentially in the half century since the building was first constructed. The cost to retrofit the building to meet current seismic safety standards and disability access regulations would be extraordinarily cost-prohibitive, in addition to the rising cost of ongoing maintenance to the deteriorating structure.

II. Project Overview

Staff and the project architects will deliver a full audiovisual presentation of the updated project design during the November 18 work session. As noted above, complete information about the

¹ Construction of a 58,000 square foot 21st Century Library and Community Learning Center would raise the total amount of library space in Hayward (including the 9,000 square foot Weekes Branch) to 67,000 square feet, or approximately 0.46 square feet per capita. While a great first step, even this is well under the Bay Area average of 0.75 square feet per capita.

project including data and needs analyses, community engagement work, detailed renderings of the library facility and the open space plaza/arboretum design, and the project's cost estimates and green/sustainability goals, can be found on the project website: www.haywardlibrary.org.

For Council's ease of reference, a summary review of the key design elements and commonly asked questions about the project is presented in the question-and-answer format that follows:

Where will the 21st Century Library and Community Learning Center be located?

The new facility will be located on the corner of C Street and Mission Boulevard in downtown Hayward between the Post Office and the City parking garage, with frontage on C Street and across the street from the Heritage Plaza/Arboretum. The site is currently occupied by a municipal parking lot and an unused portion of the Post Office property.

What will happen to the Post Office when the new library is built?

The new facility will not impact the Post Office building or operations in any way. In order to provide additional space for the accommodation of the minimum needed building footprint size, the municipal parking lot would be enlarged by acquiring an adjacent 50-foot wide by 175-foot long, unused parking strip from the Post Office.

Discussions with the representatives of the United States Postal Service (USPS) about the acquisition of said property by the City have been slow but fruitful. The City has issued a letter of intent to acquire the property and is working with USPS to finalize the details of the sale.

In addition to transferring the parking strip to the City, USPS is also willing to grant to the City an access easement across the Post Office property from its Watkins Street driveway to the rear of the planned new library, greatly enhancing delivery and service access to the new facility.

Will there be parking access to the new library?

The new library will benefit from significantly improved parking availability and access. Given the site's adjacency to the three-level City-owned parking structure, the new library design includes two public entrances on the ground floor: a main entrance on C Street, and a parking access entrance at the rear of the building. This allows for direct access into the building from the parking structure.

The parking structure has 450 spaces. Currently during peak hours, approximately two thirds of the available spaces are filled, leaving 150 spaces open even during peak hours. On October 21, 2014, in response to the implementation of fees at the nearby BART parking garage, Council authorized the implementation of time limit enforcement in the City-owned parking structure and on downtown streets. This will free up more parking in addition to the spaces that are already available.

To further enhance convenience for visitors to the library and downtown, the parking structure will be modified to improve pedestrian safety and access in and out of the new library. A new elevator will be installed at the east corner of the parking structure for improved disability access into the library. Other modifications will include reconfigured parking spaces and lighting in the area around

the new library parking access entrance, and enhanced landscaping and hardscape to create a safe and welcoming library entrance “promenade” in the transition space between the two structures.

Will the new building be “green” and environmentally sustainable?

With unwavering commitment to environmental sustainability, the Council’s direction throughout the design process – including the work sessions on November 9, 2010; July 16, 2013; and June 24, 2014 – has been consistently and strongly in favor of building the project to [Leadership in Energy & Environmental Design](#) (LEED) Gold Certification standards at a minimum, and if possible, to LEED Platinum standards, the highest level of energy-efficient certification possible.

In pursuit of this ambitious goal, the 21st Century Library and Community Learning Center and Heritage Plaza/Arboretum project will feature multiple “green” design elements. A key element is an array of rooftop solar photovoltaic (PV) panels on the new library building and adjacent parking garage. This PV array will generate enough solar energy to offset 100% of the new building’s energy consumption annually. This is known as Net Zero Energy. In addition to saving millions of dollars in energy costs, it will also significantly reduce the City’s carbon footprint, consistent with the goals adopted by Council in the Climate Action Plan.

As a Net Zero Energy facility, the project is expected to achieve LEED Gold standards. However, the goal of achieving LEED Platinum for as large and complex a building as this is extraordinarily challenging and ambitious. Preliminary LEED analysis indicates that additional “points” for water use and conservation will be needed to achieve Platinum status.

With the goal of LEED Platinum in mind, the project architects and staff reviewed several rainwater catchment, storage, and recycling options in consultation with experts and community stakeholders. One particularly challenging aspect that initially proved difficult to overcome was the need to store a large enough quantity of captured rainwater to offset water consumption needs during the dry summer months.

When this challenge was presented during a community stakeholder meeting in April 2014, a community member suggested that the basement of the old Main Library, being already excavated, could potentially house a large enough water storage system to resolve this problem, assuming that the Main Library building is removed and therefore no longer on top of the site.

Upon further analysis, this suggestion proved to be not only feasible, but preliminary estimates show it could potentially save up to 500,000 gallons of water each year. Furthermore, it would produce enough additional “points” to achieve LEED Platinum status for the overall project.

How will the new building relate to the restored Heritage Plaza/Arboretum across the street?

To enhance pedestrian access, calm traffic, and strengthen the connection between the new library facility and the Heritage Plaza/Arboretum, one block of C Street will be modified between Watkins Street and Mission Boulevard. The street will be narrowed slightly, but will preserve two vehicle travel lanes as well as parking on both sides of street. A new mid-block pedestrian crossing and

other modifications such as new lighting and new sidewalks also will be installed to promote safe pedestrian activity.

As a result of narrowing C Street, an additional 1,200 square feet will be added to the library site's buildable footprint. The increased footprint will allow for more two- and three-stories high interior spaces within the new library building, which will provide the opportunity to capture more natural light and convey a greater feeling of openness to the building's interior. Narrowing the street also will increase the size of the adjacent Post Office property, which by way of land exchange will help offset the City's cost to acquire the unused parking strip from USPS.

Why not simply expand the old Main Library?

The current Main Library building has reached the end of its serviceable lifespan, and the prospect of retrofitting or expanding the current outdated structure is economically infeasible. Retrofitting and expanding the old library would present significant and costly challenges to bring the old structure up to current building, disability access, and seismic safety standards, and still would not provide the amount of space needed to accommodate Hayward's current and future needs. The Heritage Plaza/Arboretum where the library is currently located is densely filled with mature century-old trees dating back to the founding days of Hayward. To expand or build a large enough library on this historic plaza site would require the removal of numerous mature and historic trees.

What is the Heritage Plaza/Arboretum?

One of Hayward's most impressive yet underutilized assets is its historic tree-filled central plaza. In the early days of Hayward in the mid-1800's, the plaza was part of the homestead of the first ranch owner in the area, Don Guillermo Castro. Castro's homestead was located in the area of present day C Street and Mission Boulevard. His original adobe house stood there for many years. Next to Don Castro's house was a large corral for his horses, where he would host rodeos and other gatherings.

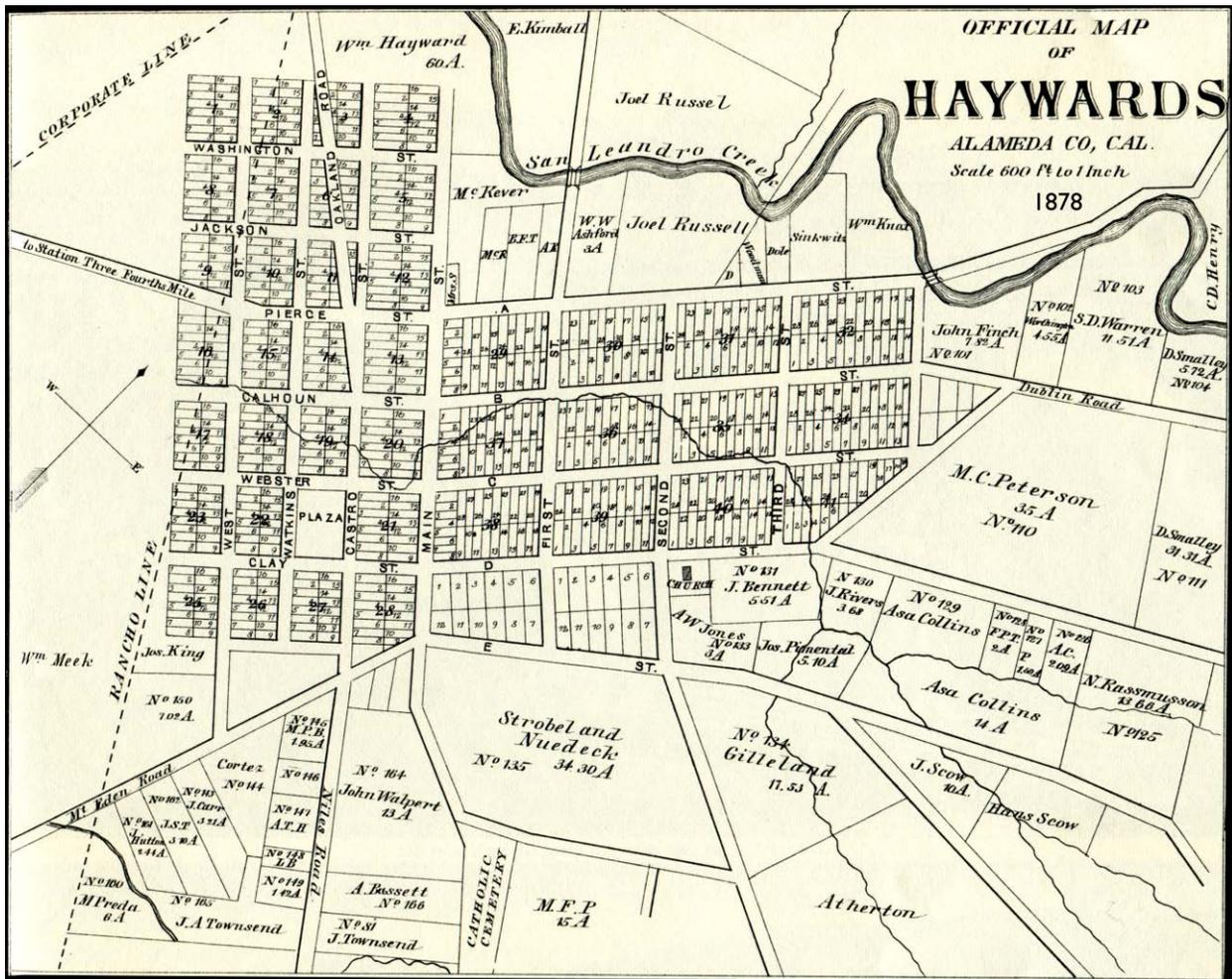
By 1878, Don Castro's former corral had become the central plaza in the bustling new town of "Haywards" (Figure 2.). Some of the trees standing there today date back to these early days of Haywards. This unique arboretum features over forty varieties of rare and mature trees, including impressive specimens of native Giant Sequoia and Coast Redwoods, century old American Elms, and some of the largest and oldest specimens of exotic tree species in the Bay Area including a mature Chinese Ginkgo, a rare Dawn Redwood, and the extraordinary 100-foot-tall Australian Bunya Pine.

The 21st Century Library project presents the unparalleled opportunity to restore these grounds to their historic roots as Hayward's central plaza and arboretum. Very few cities can boast of having such a beautiful and stately central plaza with century-old historic trees in the heart of downtown.

Creating a vibrant and welcoming community plaza in place of the 1950's era library structure will transform Hayward's civic center. The restored plaza will be an ideal location for community festivals, music performances, cultural events, farmer's markets, and other civic events for the benefit and enjoyment of the entire Hayward community.

The removal of the old deteriorating library structure from the heart of the plaza will create a large, bright new well of sunlight in the center of the arboretum, which is otherwise heavily shaded by a dense tree canopy in most other areas. Restoring the open community space will significantly improve sightlines and visibility into and through the plaza and arboretum, greatly enhancing public safety and creating a more welcoming, family-friendly plaza environment.

Figure 2. Official Map of Haywards, from Atlas of Alameda County, 1878.



A “children’s garden,” featuring rock-shaped play sculptures and other child-friendly outdoor features, will be installed on the edge of the plaza near the new library. The existing walking paths around the plaza interior will be preserved though some paths will be reconfigured to create interpretive arboretum walks for observing and learning from the many diverse tree specimens found there.

Great care will be taken not to disturb or harm existing tree root systems. Only a few of the smaller trees planted in very close proximity to the old library structure will be impacted by the construction; however, none of the larger, healthy trees will be affected.

When and how was the Heritage Plaza/Arboretum included in the overall project?

The restoration of the heritage plaza and arboretum was first identified in 2008 when the Library Commission recommended the library construction site to Council. At that time, it was acknowledged that the many benefits of building the new library across the street included the opportunity to restore the “library park,” as it was then known, to its historic roots as a community plaza and arboretum.

Based on guidance from Council, the project moved forward, and in 2010, landscape architecture firm RHAA was engaged to design an early conceptualization of the restored plaza/arboretum with the input of community focus groups.

This early community work envisioned a central community meadow that could accommodate open-air public activities such as community festivals, farmers markets, civic observances, music and cultural events, interpretive nature exhibits, and other events and features appropriate to a “civic green” space.

An early plaza/arboretum design concept featuring a central open green space was presented to Council in the work session of November 2, 2010. A more refined version was presented to Council during the work session of July 16, 2013.

Based on Council’s feedback and input from those sessions, the plaza concepts were refined even further and presented to Hayward residents in another series of community workshops held in April and May of 2014. The workshops were held at the Main Library and downtown Farmers Market, and were attended by approximately 300 people overall. Online and paper-based community surveys were simultaneously conducted, resulting in several hundred additional responses.

With this additional feedback, the plaza concepts and design elements were further refined and narrowed down, and three options were presented to Council on June 24, 2014. At that time, the Council again confirmed the overall design direction and indicated a preference for the first option involving a large oval-shaped “community meadow” in the center of the plaza site, among the other design features including a children’s garden, interpretive arboretum walk, and historic signage.

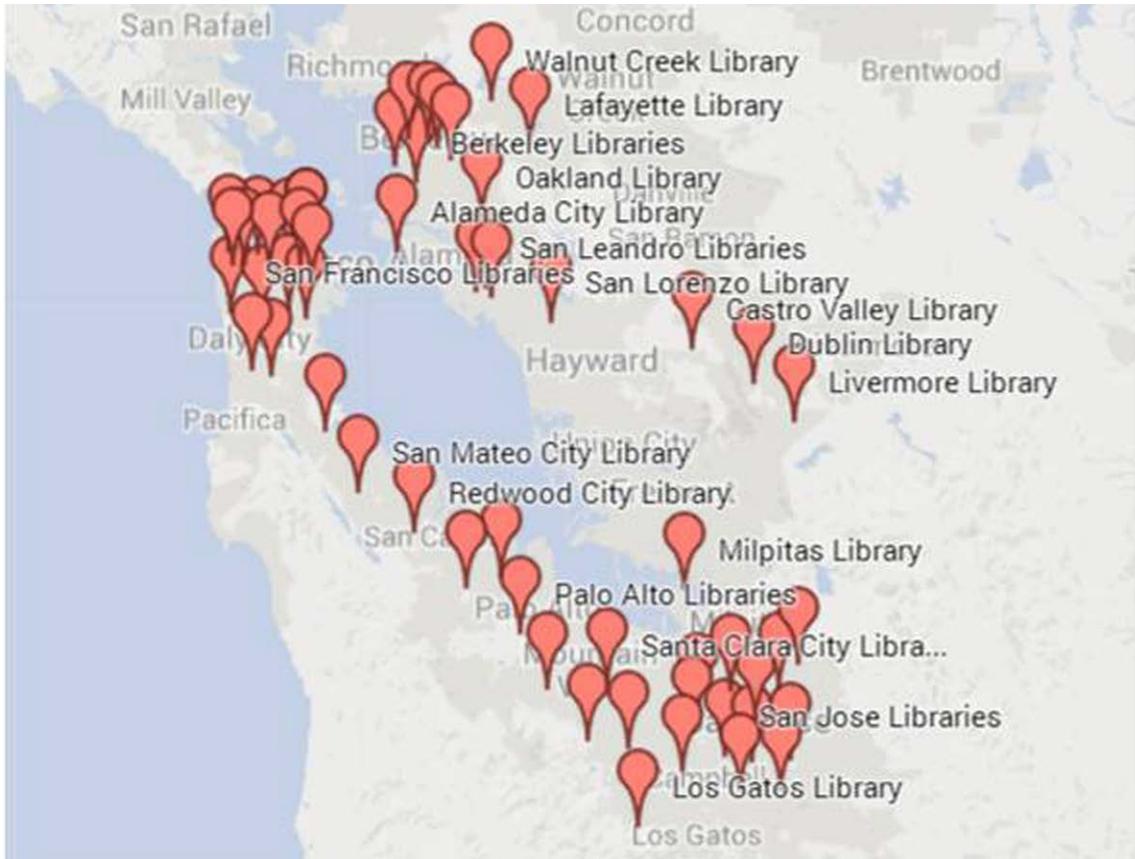
More community workshops were held in September and October of 2014 to further develop Council’s preferred design option with the input of Hayward residents. The workshops were again held at the Main Library and during the downtown Farmer’s Market, and involved approximately 300 more participants, many of whom indicated that they were new to the process.

Additional community feedback about the heritage plaza/arboretum continues to be submitted online through the project website, www.haywardlibrary.org, and has included: suggestions about species of trees that should be planted or preserved in the arboretum; concerns about overnight safety measures and lighting; enthusiasm about the prospect of holding various community festivals and events in the new open space; concerns about the health status of specific trees; questions about rainwater catchment and reuse, and so on.

Have other nearby communities built new libraries recently?

Several Bay Area communities have built significant new library facilities since the year 2000, including: Castro Valley, San Leandro, Dublin, Livermore, Milpitas, Alameda, Berkeley, Oakland, Santa Clara, San Jose, San Francisco, Walnut Creek, Lafayette, Los Gatos, Palo Alto, Redwood City, San Mateo, and San Lorenzo, among others (Figure 3.).

Figure 3. Locations of new Bay Area libraries built since year 2000



III. Library and Community Learning Center Building Program

The foundational document used by the design team to inform and guide the design process and the building program was the *Community Needs Analysis* report. Other guiding considerations included the design recommendations of Council and the Library Commission over dozens of sessions spanning seven years, community input through numerous workshops and public meetings, and the City’s support and participation in building a more environmentally sustainable “green” community as described in the City Council Priorities, the Climate Action Plan and the draft General Plan update.

The *Building Program* provides a comprehensive assessment of the library service needs of the Hayward community from the present day to 2030 and beyond. It also includes a set of clear recommendations regarding the building’s interior space and service needs, which inform the

overall building design. For Council's convenience, a summary of the key elements of the building program are provided here:

- An overall physical collection of 200,000 books and media items. This is double the number of items in the current collection.
- Two Homework Tutoring Centers: one on the first floor adjacent to the children's area for exclusive use by elementary school students, and the other adjacent to the second floor teen space for exclusive use by middle and high school students.
- Ninety-six public access computers for adults, teens, and children, plus a twenty-four seat Technology Lab with related furnishings and equipment for conducting computer training classes. This is double the number of computers currently available.
- A flexible Digital Learning Center for delivery of digital media education opportunities to Hayward youth and adults, for example video and audio production, coding and web design, social media, software development, and computer generated illustration.
- Three public meeting rooms for library programs and community meetings – one large, dividable 2,500 square foot room to accommodate an audience of up to 200 people; and two auxiliary rooms 600 square feet each (3,700 total square feet).
- Eight enclosed smaller group study rooms and 330 open access seats at tables and lounge chairs throughout the building, distributed on all three floors. This is triple the number of seats in the current library.
- A collaborative Community Learning Center for lifelong learning opportunities including adult literacy tutoring, English language acquisition, nonprofit resource development, small business assistance, financial literacy, job seeking and career development, and senior health and wellness.
- A community-oriented Makerspace where people with common interests can gather and create with computers, robotics, textiles, 3D printing, electronic art, traditional arts and crafts, and other means; and where “makers” can meet, socialize and collaborate.
- Extensive use of modern self-service and automation technologies, including express self-checkout machines, automated materials handling equipment, and hands-free inventory control systems.

FISCAL IMPACT

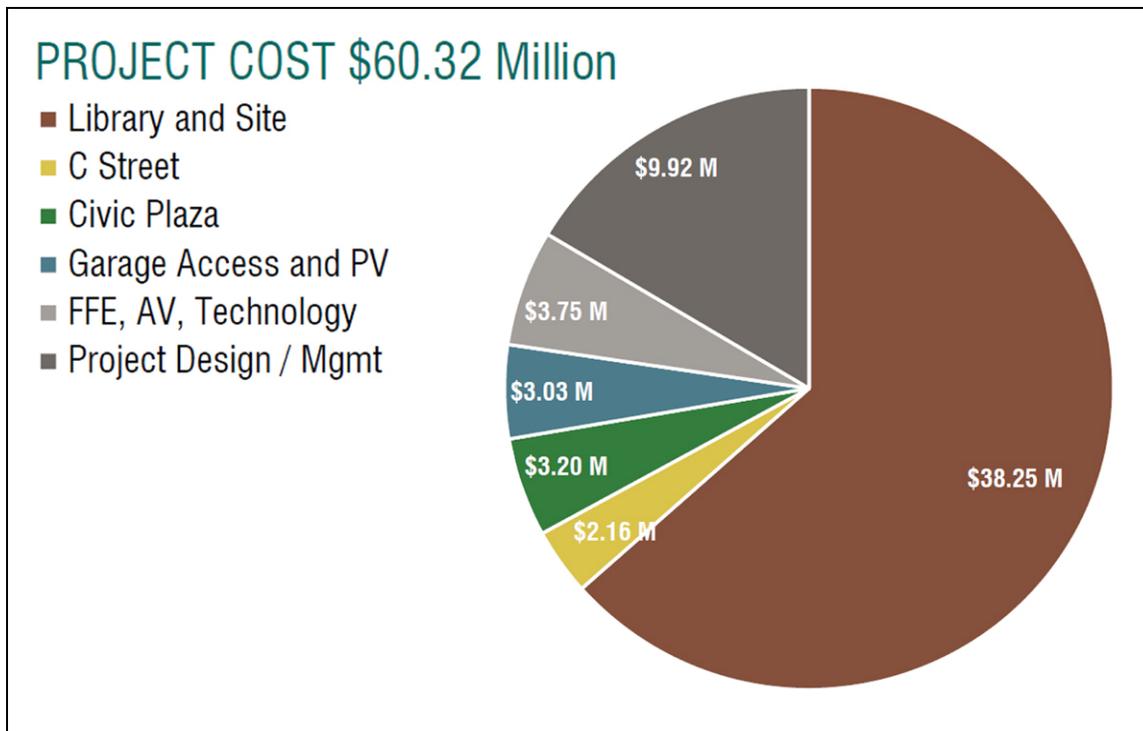
The 21st Century Library project is a major downtown revitalization project designed to update Hayward's aging infrastructure to meet the community's needs for the next 100 years. The overall project includes:

- Construction of a state-of-the-art library and learning center facility

- Restoration and preservation of the historic Heritage Plaza/Arboretum
- Pedestrian-friendly streetscape improvements to C Street
- Accessibility upgrades to the downtown parking garage
- Rainwater catchment and storage system capable of saving up to one million gallons of rainwater per year
- Photovoltaic (PV) solar panel array capable of meeting all of the new library’s electricity needs with free energy from the sun.

City staff and the architect have updated the estimate of the project’s total cost with input from sub-consultant Davis-Langdon, a global construction consulting firm. The total project cost is currently estimated at \$60.32 million (Figure 4.).

Figure 4. Overall Project Cost Estimate



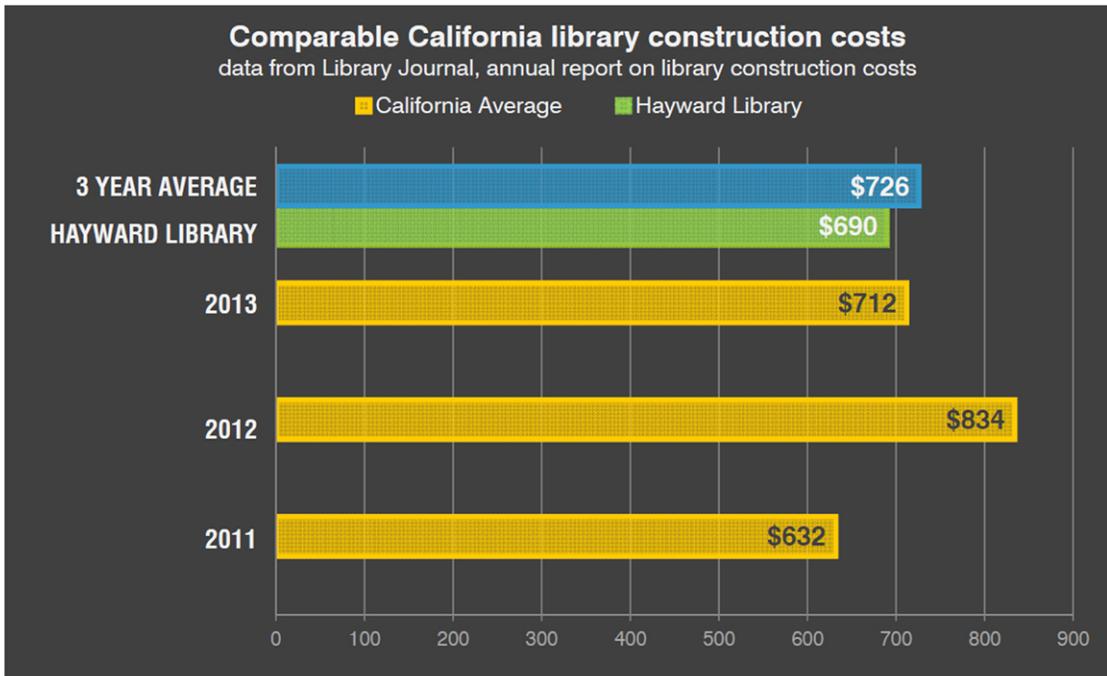
This updated cost estimate is a “turnkey” estimate that includes all currently known and anticipated construction-related project-related costs from start to finish. The estimate assumes an August 2015 construction start, and reflects rapidly rising costs in the construction market.

The timing of the 21st Century Library and Community Learning Center and Heritage Plaza/ Arboretum project, particularly the timing of when it goes out to construction bid, will have an appreciable impact on the overall project cost.

For example, if the project begins construction in August 2016 as opposed to August 2015, staff estimates that rising construction costs will increase the overall project cost by approximately \$1.6 million.

This project’s estimated construction costs are comfortably below the average per-square-foot costs for similar library construction projects in California (Figure 5.).

Figure 5. Comparable California Library Construction Costs



Project Funding Overview

Initial funding for land acquisition and the preliminary design work was identified in 2006 using developer contributions related to the South of 92 project. In 2011, the donation of \$10 million from Calpine helped fund the development of the project and favorably positioned the City to pursue alternate funding for construction and related project costs.

After a hiatus brought about by the Great Recession, advocates for a new library approached the Council in 2012 to request that work on funding mechanisms for the project begin again in earnest. In response, Council directed staff to work with the Council Budget & Finance Committee to develop a plan to move forward on that effort.

The Council Budget and Finance Committee, in its meeting of June 26, 2013, reviewed and discussed potential financing mechanisms for the City’s critical facility needs including the 21st Century Library & Community Learning Center for Hayward project. Based on those discussions, Council asked staff to define next steps regarding a possible revenue measure which ultimately resulted in the placement of Measure C on the June 2014 ballot.

On election day June 4, 2014, Hayward voters approved Measure C by an overwhelming 2-to-1 margin, ensuring the funding for a mix of critical City services and facilities - including the new

21st Century Library and Community Learning Center and Heritage Plaza/Arboretum. For more information about Measure C, a fact sheet is online here: haywardlibrary.org/tagged/measure-c.

PUBLIC CONTACT

An overview of the extensive public contact undertaken for this project can be found in the “Background” section of this report, above. In summary, scores of community focus groups, multiple opinion surveys, and dozens of public meetings have been undertaken with the participation and input of thousands of Hayward community members, experts, and stakeholders.

NEXT STEPS

With Council’s comments and concurrence, staff will proceed to:

- (1) Complete the schematic and construction design phases of the project;
- (2) Bring back to Council the project plans and specifications for review and authorization to put the project out to construction bid.

Upcoming Design and Construction Milestones

All dates are tentative and interdependent, and therefore subject to change.

2014

- City Council Presentation (November 18th)

2015

- Approval of Plans and Specs and Council Authorization to Bid (May 26th)
- Bid Opening / Award of Contract (June / July 21st)
- Groundbreaking Ceremony (July 31st)
- Start of 21st Century Library construction (August)

2017

- Completion of 21st Century Library / Grand Opening (March)
- Removal of Existing Library (April)
- Start of Heritage Plaza/Arboretum Construction (May)
- Completion of Heritage Plaza/Arboretum (September)

Recommended by: Sean Reinhart, Director of Library and Community Services
Morad Fakhrai, Director of Engineering & Transportation

Approved by:



Fran David, City Manager

DATE: November 18, 2014
TO: Mayor and City Council
FROM: Director of Public Works – Engineering & Transportation
SUBJECT: Route 238 Corridor Improvement Project – Report on Status and Accomplishments

Attached please find a summary report (Attachment I) of the Route 238 Corridor Improvement Project’s goals, scope, public outreach, challenges, accomplishments, and current status.

Staff will present the report and respond to Council’s questions and concerns.

Prepared by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Project Report

CITY OF
HAYWARD
HEART OF THE BAY



ROUTE 238 CORRIDOR IMPROVEMENT PROJECT

ANALYSIS & ACCOMPLISHMENTS

July 25, 2014

OVERVIEW

Extending over five miles within the City of Hayward, the Route 238 Corridor Improvement Project (Route 238 Project) is the largest capital improvement initiative in the City's history, a regional transportation improvement project intended to alleviate crippling congestion through the City's main arteries and to facilitate traffic regionally. Ultimately, the project became something much more than an ambitious streets and roads project; the effort transformed a severely congested and barren thoroughfare into an attractively designed facility employing state-of-the-art traffic management technology, environmentally friendly landscaping, major infrastructural upgrades, significantly improved accessibility, and increased energy efficiency.



BACKGROUND

After repeated legal challenges finally doomed construction of Caltrans Route 238 bypass project through Hayward's foothills, the Route 238 Project was selected as a replacement project. With traffic congestion through the City's downtown core continuing unabated, numerous concepts to alleviate the problem were presented to City Council and the public. Despite the various benefits, these early approaches presented serious challenges and critical flaws identified by the Council and members of the community. Earlier project concepts included prohibitively expensive grade separations and a major widening of the roadway that would have resulted in the destruction and removal of many downtown businesses along Foothill. Widening A Street was also considered as part of the project and later abandoned because of the exorbitant costs for acquiring the needed right-of-way (ROW), and the complexities of interweaving jurisdictional boundaries between the City and the County.

The current one-way concept was developed following City Council's direction to find a compromise between containing the improvements within the existing ROW and reducing regional congestion so that the project would remain eligible for Alameda County's Measure B funding. While the downtown one-way concept raised some concern from the business community, it was the only solution available that addressed future traffic congestion without adding more pavement, without a grade separation, and without dramatically altering the profile of downtown by taking significant amounts of ROW.



The Route 238 Project was approved and the environmental documents were certified by City Council on November 27, 2007. Design work and ROW acquisition began during May 2008. ROW was acquired from twenty-eight properties prior to City Council approval of the project plans and authorization to advertise for construction bids on April 20, 2010. On June 22, 2010, a construction contract was awarded to Top Grade Construction, Inc. with work starting on August 16, 2010.

The project scope of work included: curb, gutter, sidewalk, median islands, pavement, streetlights, traffic signals, fiber optic cable, overhead utility undergrounding, landscaping, irrigation and potable water, sanitary sewers and storm drains. The project also included a nearly unprecedented level of interaction with property owners, business owners, residents, commuters, utility companies, outside agencies, and other interested individuals.

OBJECTIVE

The Final Environmental Impact Report for the Route 238 Project states that the project goal is “to improve traffic conditions along Foothill Boulevard and Mission Boulevard between Interstate 580 (I-580) and Industrial Parkway.” The primary City objectives are listed as:

- Reducing traffic congestion in downtown and on Foothill/Mission;
- Improving traffic operations at the Mission/Foothill/Jackson intersection;
- Constructing a facility that will accommodate current and future traffic demands as permitted by funding constraints;
- Improving access to the Cal State University campus in Hayward; and
- Maintaining eligibility for Measure B funding

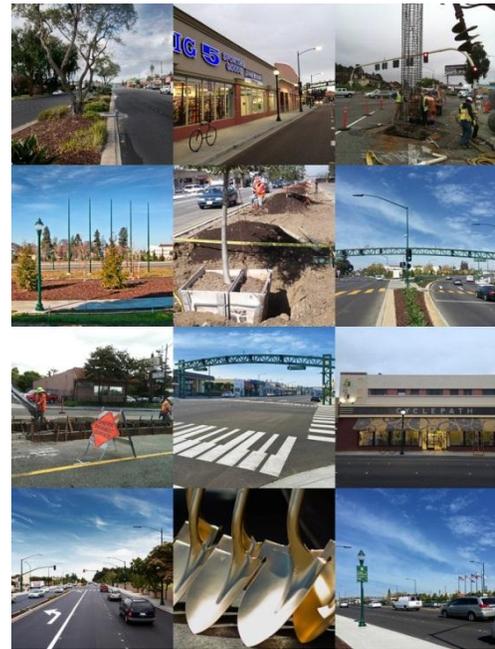


Secondary objectives involved bicycle and pedestrian access.

As this report will show, the project has achieved remarkable success with respect to each of the stated primary objectives. Moreover, the City continues to consider ways to enhance and improve the roadways and street environments involved in the project to better provide for all modes of traffic and activity.

STATUS & ACCOMPLISHMENTS

Construction activity for the Route 238 Project is essentially complete. City and contractor staffs are working on documentation, change orders, the final statement of quantities, credit adjustments, and contractor claims. The final statement of quantities currently shows a final construction contract amount of approximately \$57.5 million, versus an original contract amount of \$50.3 million. The major share of this cost increase is related to very poor pavement conditions that required additional roadway excavation (\$1.1 million) and pavement (\$3.5 million). Another major challenge involved unknown conflicts encountered during utility undergrounding (\$2.5 million). These utility costs were reimbursed to the project through the California Public Utility Commission’s Rule 20A Underground Utility District Program.



The project’s ambitious scope resulted in far more than simple roadway upgrades. A partial list of installations and improvements follows:

- 1,000 dimmable LED streetlights
- 342,000 SF of sidewalk
- 56,000 LF of curb and gutter
- 176 Wheelchair Ramps
- 670 new trees and over 50,000 plants and shrubs using Bay Friendly Landscape Design
- 7 large murals, and numerous smaller murals painted on traffic control cabinets
- 28 intersections with a new state of the art traffic signal system
- 30,000 LF of fiber optic cable
- 9,000 LF of replacement water mains/valves
- 369 storm inlets and sanitary manholes
- 5,000 LF of storm drain pipeline
- 150,000 tons of asphalt pavement resurface / repair on nearly 31 arterial roadway lane miles
- 1,100 standard roadway signs
- 60 way-finding signs around downtown for major destination points
- 4 Downtown Hayward “gateway” signs
- 2,700 LF of striped bike lanes
- 45 additional parking spaces in two new parking lots
- At least 26.5 miles of overhead utility wire placed underground; PG&E, AT&T and Comcast also upgraded their facilities along the corridor.
- Removed 10+ large billboards
-and much more!

In addition, the project included the creation of an advanced Traffic Management Center in City Hall, which includes multi-screen monitors, work stations and nine remotely operated traffic control cameras, allowing staff to respond to traffic conditions in real time as necessary.

The general improvement of our economy has created some increased traffic demand, while implementation of the one-way loop has shifted traffic patterns around downtown Hayward. As a result, the increased traffic on Mission, Main Street and B Street has improved the economic viability of adjacent properties and opened these streets, particularly Main Street, to improved business development.

PUBLIC OUTREACH

Due to the project's scale and scope, staff made every effort to engage the community throughout the construction process. Staff disseminated project-related information weekly through a dedicated website and personnel manned a field office at the corner of Mission and Carlos Bee to better facilitate face-to-face dialogue with the public. The community also made extensive use of widely available telephone contact information and the City's Access Hayward system to ask questions about the project.

Throughout the process, monthly meetings were held for downtown merchants and other interested community members to discuss progress, review scheduled work activities, and to hear any concerns. Staff gave several presentations to the Chamber of Commerce and other community groups, and provided interviews to a wide range of media outlets, including the Bay Area News Group, Cal State University Pioneer, Chabot College Spectator, Mr. Roadshow (Gary Richards), KGO, KABC, and KCBS. Regular City communications including newsletters, water bill inserts, and other print media covered construction progress and urged local residents to "Shop Hayward" despite the downtown construction.

Because the downtown loop element of the project offered the most significant change to long-established traffic behavior, staff mounted an aggressive public education campaign prior to its implementation. This effort included the development of an animated video explanation; changeable message signs placed on freeways and local arterial streets; paid advertising in the Daily Review, Pioneer, and Tri-City Voice; messages placed on WAZE.com and on the City's local TV station, Facebook, and Twitter channels; and signs placed at gateways to downtown, as well as electronic billboards on I-880, SR-92 and at Southland Mall. Finally, way-finding signs were placed throughout the downtown core to help direct motorists to their destinations.



RESPONSIVENESS TO THE COMMUNITY

During the project, staff made a number of modifications to the project design based on community input and staff observations. Among these changes were the following:

- Parking has been added temporarily along the west side of Foothill and on the south side of A St.
- Pedestrian crossings have been added to the south leg of the Mission/A Street intersection and to the west leg of the Foothill/A Street intersection;
- The right turn lanes on Northbound Foothill and a thru lane on westbound A Street were restriped to allow for safer right turns;
- “No U-Turn” signs were removed from northbound Mission at Fletcher
- Numerous signal timing adjustments have been made based on input from motorists and pedestrians; these comments have been helpful in our efforts to maximize intersection circulation efficiency and public satisfaction.
- Parking will be added temporarily along the west side of Mission between B Street and D Street, and may be added along the east side, to slow down speeding vehicles and shorten pedestrian crossing routes.



CHALLENGES

Any initiative of this scale is destined to be met with challenges and this project is no exception. The first presented itself with the identification of an acceptable concept for facilitating regional traffic flow and reducing congestion through the community. After the City Council’s direction to limit right-of-way acquisitions for the project, project designers worked to find a balanced approach that would accommodate the concerns of motorists, pedestrians, bicyclists, transit operators, emergency responders, property owners and tenants while respecting the environment.

Thirty parcels required full or partial acquisition, necessitating negotiations with a number of property owners providing varying degrees of cooperation. Challenges included tenant relocations, three eminent domain actions, evictions from two residential homes after the former owners invited local homeless to use the vacated property, hazardous materials clean-up, and 18 building demolitions. One partial building demolition required a complete remodel of the building interior. Beyond the acquisitions, utility undergrounding and other work required a large number of public utility easements and rights of entry.

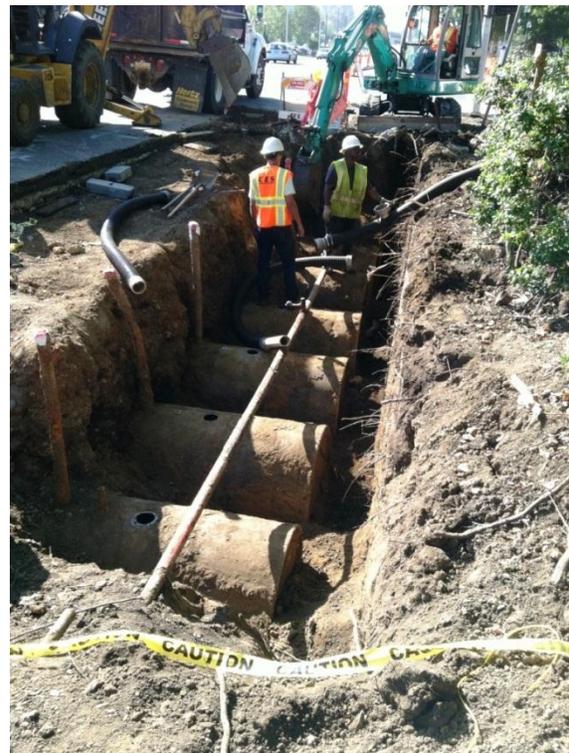
Immediately upon the start of construction, lane closures and the unexpectedly rapid deterioration of the roadway pavement created traffic congestion that generated a spike in commuter and business / resident complaints. In order to maintain a safe roadway, the City authorized asphalt repairs much earlier in the project than the work normally would have occurred. Although this added significant cost to the project, it resulted in much improved pavement conditions early on and provided a proactive response to immediate public concerns.

Although suggestions were made to conduct the construction work at night, the ability to do so was limited because night work was always accompanied by noise complaints from nearby residential dwellings and local hotels. At the same time, local schools and parents voiced concerns about the work affecting their ability to get children to school on time. To resolve some of these issues, staff worked with the contractor and school officials to start nearby work after the start of school. A schedule of lane closures for the following week was posted on City websites and signs were placed along the project to warn of probable construction delays.

Continued access to residences and businesses and access for pedestrians was a continuing challenge with trenching, sidewalk demolition and other construction activities ongoing. Maintaining driveway and sidewalk access to retailers, restaurants, car washes, churches, apartments, and homes was usually worked out with personal contact and scheduling with on-site property representatives. Work was accelerated when possible by the authorization of longer work hours or weekend work. Signs stating “Business Open during Construction” and “Parking in Rear” were distributed to business owners, along with a temporary relaxation of sidewalk advertising sign restrictions.

The work itself uncovered a wide range of unexpected conditions, many of which presented previously unknown health and safety risks:

- **Abandoned facilities.** These included discovering unknown underground storage tanks below the sidewalk, water lines that were often still under pressure, steel pipe presumed to be pressurized gas lines and steel pressure plates that were used for vehicle detection at intersections.
- **Water, gas and electrical lines embedded in the sidewalk that was being demolished.** These lines usually broke along with the concrete and often delayed work until repairs could be made.
- **Leaking water, sewer and storm drain lines.** These leaks often created sink holes under the sidewalk or pavement that needed repairs.
- Box culverts that had been broken during previous construction.
- Unmarked sanitary sewer and storm drain laterals and electrical conduit.



Vandalism and public damage were also on-going concerns. No parking, speed limit, and other construction warning signs and barricades were stolen or moved by the public. Street lights, signs, median islands, and traffic signal facilities were damaged by motorists or vandalized by copper/metal thieves. Landscape plants, streetlight wire, construction tools, vehicles, and materials were stolen. Landscape up-lights were damaged and various flat surfaces covered with graffiti, including one of the new murals.

Other significant challenges included the amount of coordination required and cooperation received from various public / private agencies, such as: PG&E, AT&T, Comcast, Oro Loma Sanitary District, East Bay Municipal Utility District, Alameda County Flood Control, AC Transit and Caltrans.

AWARDS & RECOGNITION

The full Route 238 Project, a massive undertaking involving numerous and varied public agencies, a wide range of stakeholders and a sweeping section of the City's arterial roadways, was completed within overall budget in less than three years. In recognition of the project's professionalism and the exceptional public benefit for the Hayward community, the City has earned the following awards:

- **2013 Crown Communities Award** from the American City and County magazine
- **2014 Engineering Excellence Merit Award** from the American Council of Engineering Companies (California)
- **2014 Project of the Year Award for Transportation Projects over \$75 Million** from the American Public Works Association – Northern California Chapter
- **2014 Outstanding Local Streets and Roads Project Award** from the League of California Cities/California State Association of Counties/County Engineers Association of California
- **2014 Local Street Project of the Year** – California Transportation Foundation

The project has also been nominated for an MTC 2014 Excellence in Motion award. MTC has begun evaluating the nominations and will communicate results in August.





ANALYSIS AND SUGGESTIONS

It has been more than one year since the downtown loop was implemented on March 15, 2013. The Hayward Police Department has provided Route 238 Corridor collision data for the one-year periods before the project started and after loop implementation. The data show a decline in collisions for the loop and for Mission south of Foothill-Jackson. The data also shows that over one-third of these recent collisions involved “unsafe speeds.”

Staff is reviewing traffic operation along the corridor, including these collision reports, to determine if there are any potential physical roadway modifications that could increase its safety. As part of that review, consultants have been evaluating the current level of service at major intersections along the corridor, travel times, parking patterns and needs, and other operational issues that have been brought to our attention by residents, business owners, and commuters. The most significant comments about the corridor relate to speeding, options for modifying the operations around the Foothill/D Street intersection, and additional cut-through traffic in the Prospect Hill neighborhood north of A Street, primarily Montgomery Street.

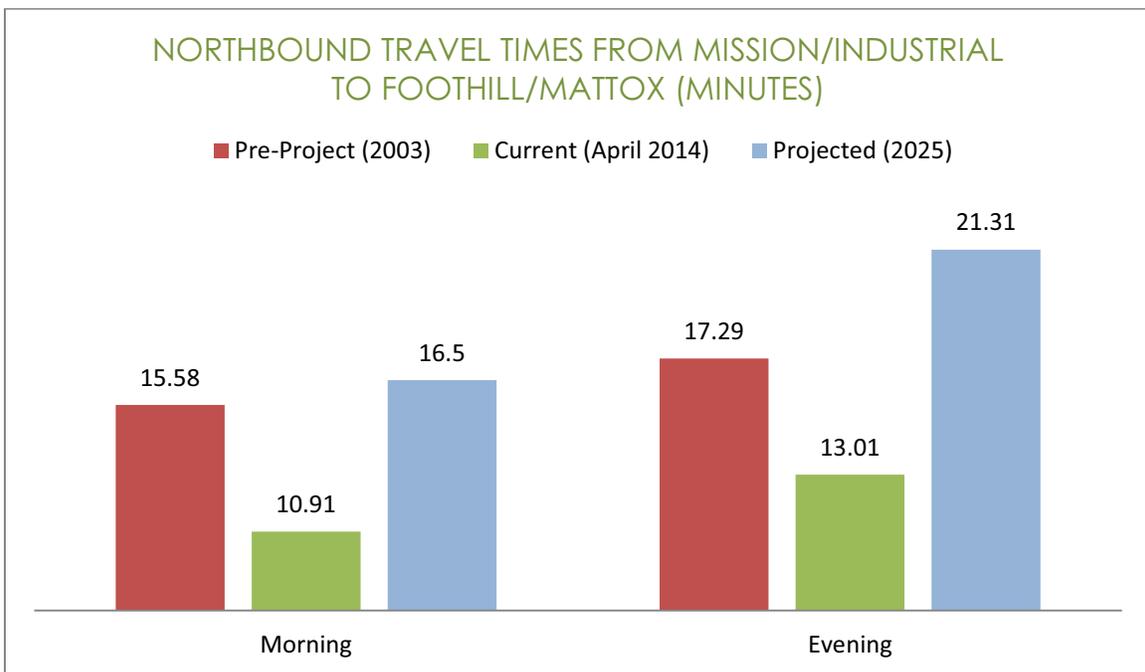
Recent traffic counts on streets in the Prospect Hill neighborhood were compared to similar counts from 2010. In general, traffic on most of these local streets has increased. However, when considering the overall growth of traffic in other areas of Hayward, the amount of the increase in traffic is not considered significant for all the local streets that we analyzed. However, two significantly impacted streets are Hotel and McKeever.

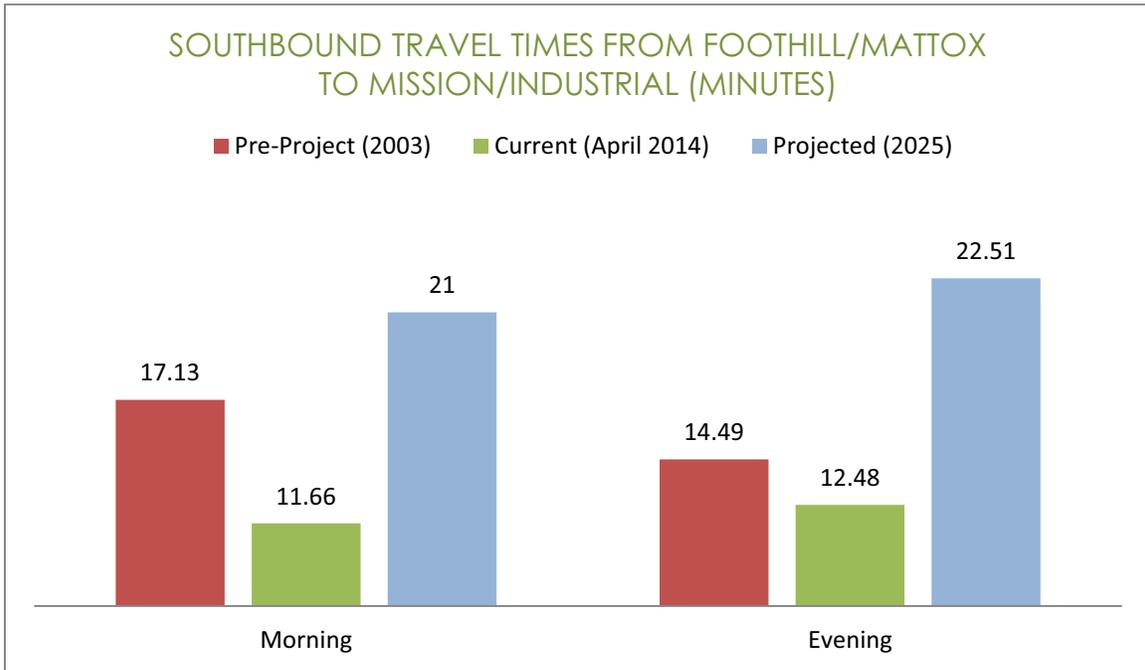
Staff is working with the community to minimize the effect of cut-through traffic in the neighborhood. Potential measures to discourage cut-through traffic, if desired by the community, include the following:

- Conversion of Hotel Street, between Main St. and Prospect Dr. to westbound one-way;
- Conversion of Prospect St. between Warren St. and Hotel Ave. to southbound one-way; and
- Installation of speed lumps on Sunset St. and Simon St. to reduce cut-through traffic.

A Level of Service (LOS) analysis was performed at sixteen intersections along the corridor during the AM and PM peak hours for current conditions with the loop (plus project) and current conditions without the loop (no project). Traffic volumes for existing plus project conditions were obtained from the City’s adaptive traffic management system database (SCATS). Traffic volumes for existing no project conditions were projected by linear interpolation between 2003 EIR and 2025 EIR “no project” volumes. The result of this analysis is presented in Attachment A. The analysis shows that no intersections are operating at an unacceptable LOS during the AM or PM peak today. This compares to two intersections that are projected to operate at unacceptable LOS F in the AM and five intersections that are projected to operate at an unacceptable LOS F in the PM if the Rte. 238 project was not implemented (“no project”).

The consultant also compared travel times along the corridor using data from the Final Environmental Impact Report and travel times taken during April 2014. Travel times are significantly better now than they were in 2003 – even after 11 years of growth:





Travel time results have improved in both directions and for both peak hours since the original EIR was prepared in 2003. This is an impressive achievement. After 11 years of growth, traffic volumes have increased by as much as 13% at some intersections since 2003. Northbound travel times from Industrial Parkway to Mattox Road have improved by 4.9 minutes (31% improvement) in the AM peak hour and 4.2 minutes (24% improvement) in the PM peak hour. Southbound travel times have also improved by about 5 minutes (30% improvement) in the AM peak hour and 1.5 minutes (11% improvement) in the PM peak hour. The Route 238 project has not only nullified the impacts from 11 years of growth, it has actually dramatically improved travel time from baseline (2003) conditions.

Staff is also reviewing resident concerns about “weaving” vehicles at the intersection of Foothill and D Street, where traffic from Jackson Street and Mission Boulevard converge on Foothill. Weaving maneuvers present operational and safety challenges. Staff is currently experimenting with several different signal timing plans to identify the most suitable option to significantly reduce weaving maneuvers while maintaining a LOS D or better. While LOS E was established as an acceptable LOS for the project in the EIR, LOS D is the City’s minimum acceptable LOS threshold. The solution includes lane striping changes along the west side of Foothill at D Street.

STAFF ACKNOWLEDGEMENTS

The successful completion of this major public works project is owed to many key staff from various city departments. What follows is a list of only a few honorable mentions:

Public Works – Engineering & Transportation:

Yaw Owusu – Assistant City Engineer
 Don Frascinella – Transportation Manager (former)
 Kevin Briggs – Project Manager
 Hector Leuterio – Project Engineer
 Jason Whipple – Supervising Construction Inspector
 Mustafa Taha – Senior Construction Inspector
 Miguel Del Rio – Construction Inspector
 Majid Hafizieh – Associate Transportation Engineer
 Sai Middiddiddi – Assistant Transportation Engineer

Public Works – Utilities:

Rodney Schurman – Associate Civil Engineer
 Daryl Lockhart – Senior Utility Leader

Development Services

Michelle Koo – Landscape Architect

Maintenance Services

Rodney Affonso, Jr. - Senior Maintenance Leader

Police

Lieutenant Dave Lundgren – Patrol
 Sergeant Chad Olthoff – Traffic

Finally, a big thank you to the Mayor and Council for providing staff the much needed direction and guidance, as well as Hayward citizens and business owners for putting up with all the inconveniences any major construction project creates, and to offering many good suggestions and ideas to make the project even better.

MOVING FORWARD

The Route 238 Corridor Improvement Project was a vast undertaking requiring significant community outreach, multiagency cooperation, and strict dedication to the goals and objectives set forth in the EIR and adopted by the Council. To date, the project has significantly met or exceeded these goals. Any project of this scale inevitably requires adjustments and modifications, however, and City staff is working hard to respond appropriately to real world conditions. Ultimately, this process is complicated because the project's constituent elements cannot be considered in a vacuum; they are part of a complex regional transportation ecosystem that must be thoughtfully coordinated and managed.



DOWNTOWN SPECIFIC PLAN

The final design of the Route 238 project provides for a host of critical upgrades, not only for traffic operations, but also with respect to pedestrian access, bay friendly landscaping, cyclists, and parking. As directed by the City Council, all of this was achieved within the available ROW and without acquiring and demolishing key downtown business properties.

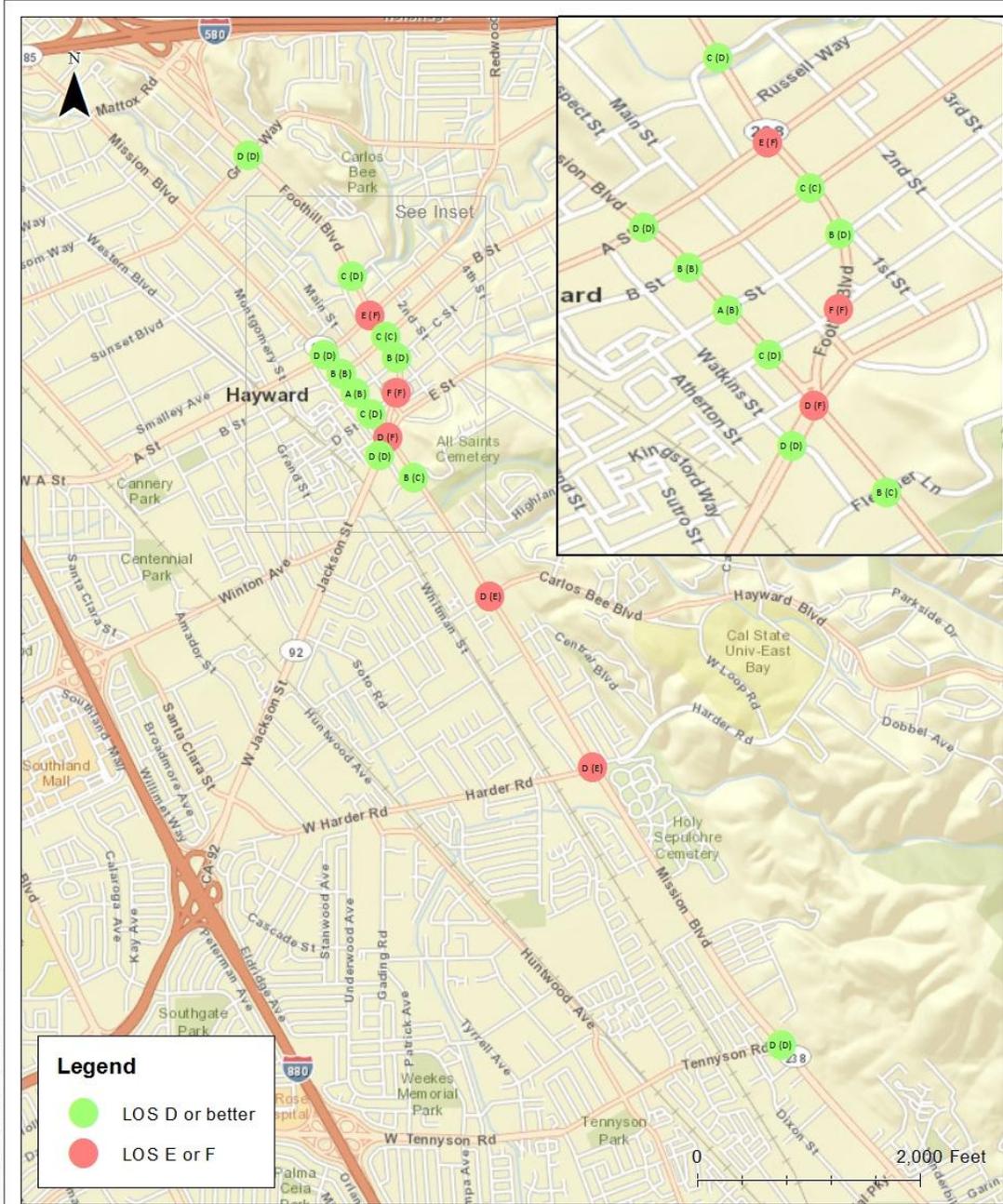
Responding to the needs of a diverse and growing community and the demands that come with being a regional transportation hub requires flexibility. The City is therefore constantly considering ways to adapt appropriately. To this end, the City had applied and was awarded an Alameda CTC grant to begin work on a Downtown Specific Plan that will include an update of the bicycle master plan and development of a pedestrian master plan for the downtown area. Alameda CTC and City staff will begin work on issuing a RFP early this summer and the work is expected to commence around fall. In the meantime, we continue working and receiving input from the community to improve our downtown.

ATTACHMENT B

Route 238 Corridor Improvement Plan

Hayward SR 238 Weaving Analysis

April 2014



2014 No Project AM (PM) Level of Service Map
Hayward, California

H:\projects\17127 - Hayward 238 Weaving Analysis\GIS\2003.mxd - jsm1005 - 4:03 PM 4/29/2014

DATE: November 18, 2014

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Update of Development Review and Building Permit/Inspection Processes and Plan for System Improvements

RECOMMENDATION

That Council receives, reviews, and provides comment on this report.

BACKGROUND

On May 19, 2014, the City Manager provided a report to Mayor and Council on the development review and building permit processes and staff's plan for system improvements. The purpose of this report is to provide a status report on improvements to the development review and building permit processes from May until now.

For the past several decades, there have been periodic assessments and reviews of the City's development review processes, building permit processes, and operations within the Permit Center, with the intent of constant process improvements. The last two assessments were done in 2008/09 (by an outside consultant) and in 2013/14, when an internal assessment was performed. Most of the recent activities related to improving processes were identified in the most recent assessment.

In her May 2014 report to Council, the City Manager reiterated that although most development review processing is done by the Building and Planning Divisions in the Development Services Department, many other departments are involved. Regularly, staff in the City Attorney's Office, Fire Prevention Office, Code Enforcement Division, Engineering and Transportation Department, and the Utilities and Environmental Services Department review and provide input and recommendations/requirements for development applications and construction projects. More recently, the Hayward Police Department has also been actively involved with various projects, such as revisions to Hayward's alcohol regulations, development of new tobacco regulations, and new internet gaming provisions.

Most critical and not existent until recently, the City's Economic Development Manager and two specialists and support staff are key players in the process to not only attract and retain businesses, but also to assist applicants through the development review process and help implement the City's Economic Development Strategic Plan. As part of an enhanced customer

service approach, working in conjunction with City permit review departments, Economic Development staff will be able to assist applicants in outlining potential development related issues and act as a single point of contact for the exploratory phase of development projects. The addition of staff and emphasis on services during the early stages of projects has already positively helped with our processes and effective outreach to the business and development community, and will continue to do so as the program continues to grow. In addition, marketing of services offered by the City is being developed, so that the development community is aware of our efforts in providing assistance.

Finally, the City Council and Planning Commission obviously play a key role in the process not just related to acting on development applications, but also in establishing policy guidance and direction for staff. The recently adopted General Plan, the two Mission Boulevard form-based codes and Specific Plan, and the planned implementation of General Plan programs (e.g., Downtown Specific Plan, Industrial Area Specific Plan, and comprehensive Zoning Ordinance update/Unified Development Code) will help continue to provide the critical clarity on development policy and vision for Hayward.

The following discussion provides a summary of tasks that have been accomplished and others that are planned to support the four major objectives for process improvements identified by the City Manager in her May 2014 Memorandum to Council.

DISCUSSION

Performance Criteria: It should be noted that the majority of customers at the Permit Center who complete customer satisfaction cards are satisfied with the results of their visit to City Hall. Of those customers taking the time to complete a survey response, $\geq 95\%$ rated their overall experience as excellent or good in the last two fiscal years. However, from 2012 to first half of 2014, the Development Services Department suffered a large number of staff turnovers related to retirements, resignations, and death including at the division manager levels. Also, the departments involved in development review and building permits/inspections could not staff up fast enough after the deep recession to timely meet the exploding development activity¹. All of this contributed to the department providing slower than normal customer service responses. This caused frustration for property owners (both residential and commercial), business owners, contractors, and developers, all of whom had become accustomed to a much more timely response.

The following chart illustrates both the previous problem that led to the City Manager's May 2014 report to Council and the vast improvements made since then related to timeliness criteria established for the Building Permit review processes²:

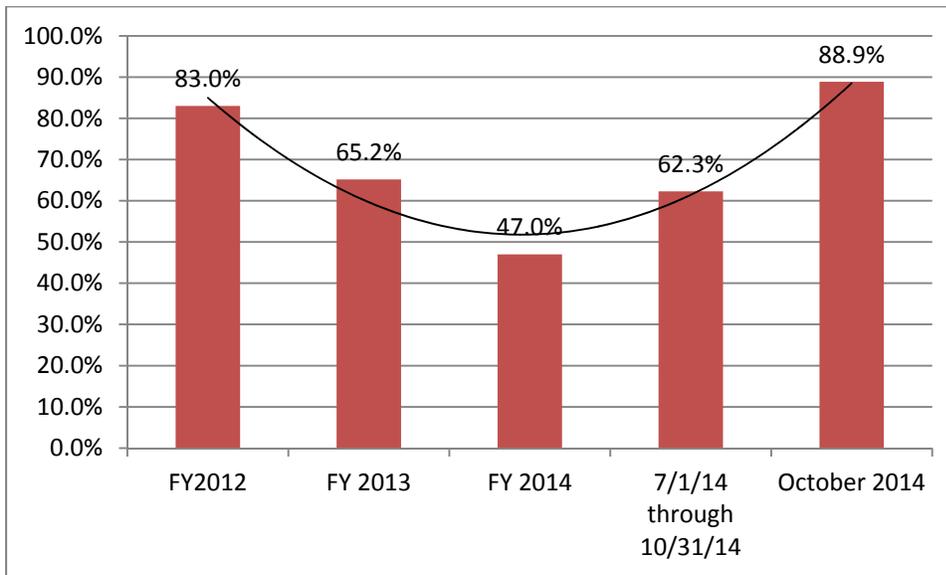
¹ Slow staffing response is typical for public agencies due to such things as the uncontrollable lag in property tax and other revenue.

² **Processing Timeframes/Targets:**

25 business days: new buildings and major commercial tenant improvements

15 business days: small to mid-size commercial tenant improvements; rack installations, commercial solar PV systems, and similar projects

NOTED IMPROVEMENTS in BUILDING PERMIT PROCESSING TIMELINES



Planning staff, with support from other departments, has met its established review timeframes 100% of the time in FY 2015 related to planning applications³. Continued improvement in meeting such timeframes is expected because of the addition and training of new staff, the enhancements to processes, and implementation of new permitting software.

Update on City Manager’s May 14, 2014 Report: In her May 2014 report to Council, the City Manager noted four sensitivities or expectations of the process held by most customers, particularly contractors and developers: timeliness, certainty, cost-containment, and customer assistance; and she identified having a one-stop service point as being of particular interest to all parties. In addition, her report identified several issues or concerns that would be the targets of staff’s improvement efforts going forward. This report focuses on what has been done in the last six months to improve the City’s ability to meet or exceed the expected standards in these critical areas. Attachment I is an update of the original “Attachment I: Timeline” included with the May 2014 report, and the following paragraphs include discussion and details related to that attachment.

Improved Communication/Engagement with the Development Community and Applicants – Such efforts will be helped immensely with Economic Development staff, who have already been coordinating with Development Services staff to engage potential developers as early as possible. Generally, Economic Development staff will be lead in engaging potential applicants, with participation from development review staff; and Development Services staff will be lead in

10 business days: resubmittals

5 business days: Residential solar PV (or over-the-counter on Tuesdays or by appt.)

Note: In establishing building permit application review performance criteria, staff conducted an analysis using a set of “benchmark cities” (Union City, Fremont, San Leandro, Sunnyvale and Pleasanton) to determine “best practices.”

³ **Review Timeframes:** Within 30 calendar days for initial reviews and within 15 calendar days for each subsequent review.

processing applications, with input and assistance via communication to the applicant from Economic Development staff.

By the end of this calendar year, staff will also develop separate customer satisfaction surveys for those that experience the Planning application review process in Hayward (primarily architects and developers), those who experience our plan check review process (primarily engineers and architects), and those who construct in Hayward (contractors). A post construction survey will also be developed. Staff will report the responses from survey respondents to Council next year and post them on the Development Services Department web page, as is currently done with the existing Permit Center survey responses. Such focused feedback will help staff and Council gauge performance and satisfaction with our specific review and permitting processes, and effectively make focused changes as needed.

Early Interaction with Council and Planning Commission – It is imperative that proposed land uses and development projects get to Council much earlier in the process to assure that Council and staff are headed in the same direction. A good example is the recent presentation and discussion regarding development of the former Holiday Bowl site. The proponent appreciated the opportunity to receive such early feedback, and Council expressed appreciation in being given the opportunity to do so. Another developer who presented early information to the Planning Commission for a project at 2nd and C Streets also expressed appreciation. Such discussions will provide developers the opportunity to conceptually show what is being proposed prior to significant investment, will provide staff the ability to provide early analysis, and will provide Council and Commission the ability to provide early feedback on proposed projects. Because this early review has been received well by developers and Council and adds value to the process, this will become a standard practice and staff will continue to bring forth major projects in the same manner.

Also, staff has begun the discussion and analysis of Opportunity and Catalyst sites identified in the Economic Development Strategic Plan with the Council Economic Development Committee, and plans to prepare conceptual development plans for some of these sites next year in line with the Council's vision.

Providing Clear and Early Communication with Development Teams – This is part of the “early notification” process noted above, and developers are extremely enthusiastic about it. Key to this area of improvement is strengthening and linking Economic Development to the development review process, including active participation by all key staff involved in development review from multiple departments. One of the most successful applications of this approach was in a recently held meeting organized by the Economic Development Manager with a fixed-based airport operator, Meridian, regarding its desire to establish a new west coast facility at the Hayward Executive Airport. The Meridian representatives informed the Public Works Director after the meeting that they were very impressed with staff. Another positive example was a recent meeting organized with Economic Development staff with various staff and the owners of a food manufacturer, who have indicated a desire to locate in Hayward. Although such meetings have occurred in the past, the addition of new economic development staff affords the opportunity for enhancements and communication with developers. Staff is also revising/developing new brochures that will better clarify the various ways specific project proponents can obtain information prior to application submittal.

Development Review Focus Group Meetings – This group, though membership has changed, has been meeting generally every other month since 2009. The group is comprised of developers, architects, brokers, contractors, and others with experience and/or interest in the development review process in Hayward and elsewhere, as well as City staff. The structure of such meetings is being changed to be more topic-oriented, with efforts to invite those to such meetings with contemporary experience with the permitting, plan check, development review, and economic development processes; and who are fully engaged in the analytical process. For instance, the last two meetings in June and October have been focused on the development review process associated with the Industrial area of Hayward and in particular, with tenant improvements. Representatives from the Industrial sector, such as contractors, brokers, property managers, etc. were invited to participate. The meetings were well-attended and provided good information to staff, and vice versa. Key issues/concerns expressed (with staff’s responses/actions) were:

- Last minute surprises associated with accessibility issues
ACTION: New accessibility checklists and courtesy inspections will be available by December 2014.
- Ingress/egress emergency lighting tests needing to be done at night for extended periods of time
ACTION: Developed and implemented a new policy that addresses this issue and supports the code and customer concerns.
- Having combination (versus separate electrical, plumbing/mechanical, and structural) inspections for minor commercial tenant improvement projects
ACTION: Combo inspections are available for certain projects and this option is outlined in a new policy that will be online by end of December 2014.
- Having clear, consistent plan check review comments (will improve as staff and architects become more familiar with the new codes and with plan check review check lists being developed) .
ACTION: Checklists for plan review of various project types are being developed, with drafts to be completed by end of December 2014.

The minutes and agendas from past meetings can be found on the City’s website at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/ALAMEDA-COUNTY-AGENCIES-&-OTHER-ORGANIZATIONS/drfg.shtm> .

Process/System Improvements – This area of emphasis focuses on clarifying the decision-making structure and providing better tools for staff. Utilizing the tremendous knowledge base that exists throughout the organization, staff has formed multi-departmental Development Action Review Teams (DARTs) that have been meeting periodically during the last few months to assess processes and develop action items that will lead to clearer, more consistent and efficient procedures and processes. The following paragraphs elaborate on such efforts.

Improving Internal Policies and Procedures Throughout the Process - A key element related to efficiency and consistency is to assess current procedures to determine whether enhancements can be made or efficiencies gained, and then to develop policies to help achieve the identified objectives. For example, staff has developed a review matrix that shows the various reviewers in multiple departments (and sometimes other agencies) for various building

permit application types. Staff is working together to determine if some reviews can be eliminated or combined with other reviews by the same staff person, with an emphasis on issuing as many over-the-counter permits as possible and streamlining tenant improvement reviews. An example would be Building and Fire staff separately checking residential solar PV systems, where recent coordination and changes have resulted in over-the-counter permits being issued for such systems via appointments or on Tuesdays.

Documenting and updating procedures in a clearly written format is critical, given the exodus of a number of long-serving employees. It is also of great value to the training and efficient onboarding process for new employees. Staff has been developing or revising written procedures for processing various building/project and planning application types, such as single-family homes, tenant improvements, administrative planning applications, public hearing applications, tentative tract map procedures, issuing temporary certificates of occupancy, conducting emergency ingress/egress lighting inspections, entering application information into the computer system, etc. These efforts will help ensure consistent processing of various applications and consistent practices for other functions of staff. It is anticipated that thirty-five such sets of policy and procedures will be completed this spring. Seven are in final draft and expected to be completed by 12/1/14.

Updating Handouts for the Public - Another major factor in determining the length of time for development/plan review is the quality of plans and plan-related documents that are submitted by applicants, particularly business and property owners, followed closely by contractors. Documents submitted by developers are generally of better quality and more complete than those submitted by homeowners. However, even developers fall into this trap as they cut corners to save costs. Incomplete plans often leave out critical information that, if present in first submittal, would alter staff's response. Sometimes, these important elements are not clear until second or third plan submittal, which then triggers staff to add requirements or change direction.

In response, staff has been working on revising or developing clear applications, checklists, and handouts (149 total for DSD and FD) that plan preparers can use in developing plans, and staff can use when reviewing plans. The first twenty-five initial drafts have been completed and it is anticipated that the remaining revised handouts will be completed by the end of 2015 calendar year.

Regulatory Revisions – Another aspect of system/process improvements is to ensure regulations are in line with the City's vision, promote a clear and streamlined development review process, and are compliant with state and federal laws. As the primary vision document for Hayward's future, the new General Plan that entailed significant community input was adopted on July 1 of this year and contains several programs that are critical to implementing the General Plan's vision, guiding principles, and policies.

Near term programs that will be implemented during the 2014-2016 time-frame include a new Downtown Specific Plan and a comprehensive update of the Zoning Ordinance. The Downtown Specific Plan project has begun, funded almost entirely by a grant through the Alameda County Transportation Commission. Staff will be providing the Council with an update on the project in early December. Also, staff in the near future will be providing an overview of the envisioned

scope and approach for updating the Zoning Ordinance and other related regulations, and for developing a new Industrial Area Specific Plan. Although the Industrial Area Specific Plan is envisioned for the 2017-2019 time-period, staff feels that many of the issues expressed regarding existing regulations pertain to this critical, significant tax-generating portion of the city, and will look into addressing the most critical areas as soon as possible (e.g., landscaping requirements, hazardous materials provisions, allowed security measures, clarity on uses allowed by right or as conditional uses, etc.).

Regarding building and other codes, staff will present to Council in the latter half of this fiscal year recommendations for adjustments to local construction Codes, such as elimination of the prohibition of using plastic pipes in homes for plumbing (State code contains no such prohibition).

Staffing, Training, and Morale – Given the crucial importance to achieving and maintaining a predictable cost-effective development review process, during the last several months, priority has been placed on staff involved throughout the development review processes, particularly in Development Services.

Staffing Changes - The following staffing changes have occurred since May:

- a. A new Deputy Director was hired into Development Services in July.
- b. An existing Senior Planner was promoted to Planning Manager; a replacement Senior Planner will be onboard by end of December
- c. The Development Review Engineer, who oversees processing of tentative subdivision map applications, was re-hired in July in Planning.
- d. A new Development Review Specialist, a technical position providing support to the Development Review Engineer that has not existed since FY2011, is expected to be on-board by end of December.
- e. The position of Supervising Plan Checker/Expediter has been filled, the job specifications and salary have been revised and updated, and the position will be retitled to Permit Center Coordinator in early 2015, in line with the emphasis for the position to oversee the Permit Center operations.
- f. The position of Building Official is in recruitment and hiring is expected by the end of December.
- g. Two additional (budgeted) Building Permit Technicians were hired and trained in early summer.
- h. A Senior Transportation Engineer was hired in November 2013 in Engineering and Transportation.
- i. A Transportation Manager was hired in September 2014 in Engineering and Transportation.
- j. An Associate Transportation Engineer will be hired by end of December 2014 in Engineering and Transportation.
- k. All Economic Development staff was hired and fully in place by September.

Management continues to assess ways to provide exemplary customer service, balancing in-house staff with outside consultants. Given the flexibility that utilizing consultants provides, the Development Services Department has increased the use of consultants over the past two fiscal years, with four outside firms available to provide building plan checking and/or inspection

services. In fact, given the level of construction activity and having three (versus four, historically) in-house combination building inspectors, the Building Division has needed to use outside inspection services nearly full-time for the last several months. Given the complexities of the codes and reduced number of in-house plan checkers, staff has also sent out increasingly more projects for plan checking. The Planning Division has also used outside firms for temporary planning services as recruitment for vacant, budgeted positions occurs.

Contracts with outside firms involve rates that are either fully paid by permit application plan check and inspection fees, or are comparable to fully-loaded, in-house position salaries. Over the next several months, staff will assess if such systems for other departments, which may require budget augmentation, makes sense. Again, balancing service demands and the benefits of having in-house staff familiar with the City and its processes with the flexibility outside firms provide in high demand periods is a good model when applied to severely fluctuating service demands like development review, plan check, and building inspection. The management challenge is finding the constructive balance between knowledgeable and consistent in-house staffing and outside assistance that can expand and shrink as needed.

Training for staff - Equally if not more important than the number of staff is training new and existing staff in technical aspects of job functions, as well as customer service, communication, and team-building. Executive and management staff training is also critically important, to ensure the organization has effective, well-trained managers and leaders.

Related to providing needed technical training to meet more stringent, complex, and technical plan check requirements, which has been critically important with the adoption of new codes, Building staff regularly attend training workshops and conferences, including the annual CALBO conference that was held this past September. Various additional training sessions, including recent ones related to the new State Energy Code, have also been attended by Building staff. In fact, Building's Plan Check Engineer developed a handout to assist applicants and staff with understanding the requirements of the State's new Energy Code that became effective on July 1. Planning staff also attends technical training classes and workshops, including those related to new trends, the Subdivision Map Act, and the California Environmental Quality Act.

In terms of customer service and communication training, as well as team-building efforts, Development Services and Permit Center staff has participated in internal training exercises, and in a session with an outside consultant (see details below). That consultant also conducts intensive team building and communication training seminars, with most of the management and higher-level staff in several departments having attended.

Key objectives for staff training are to improve and set higher expectations for employee and customer satisfaction and strengthen communications and consistency at all levels. The details of the staff training are below, to be implemented within a three-pronged approach (Coaching, Team Building, Service Improvements), with the Deputy Director of Development Services as lead:

Phase I of intensive training will be largely completed by end of January of 2015 and includes:

1. Divisional Team Building/Service Trainings (in-house): eight hours (completed two separate sessions)

2. Department update and review of divisional team building exercise, including timeline for four management focus areas: Define/clarify department vision, employee recognition/support, Communication with focus group and Consistency including quarterly updates/feedback on progress. (substantially complete with future updates ongoing)
3. Initial Permit Center Customer Service Training: Completed
4. Permit Center Customer Service Training follow-up: scheduled for 12/2014
5. Cross-Education Project for seventy-five employees : Training January-April 2015. The cross-educational program will involve up to seventy-five staff members spending time with specifically designated staff in other departments or divisions, to better understand the roles and responsibilities of each position. It is hoped that doing so will improve morale and appreciation for fellow staff members, and may lead to creative solutions for improved efficiencies and enhance service to our customers as there will be a broader knowledge base that will naturally occur.
6. Star12 online webinars on a monthly basis. (ongoing)
7. Department leadership training for supervisors (January)
8. Leadership coaching for supervisors (present through April)
9. Department training in essential tools for success - personality assessments (February)
10. Certification/training matrix developed and tracked (ongoing)

Phase II, anticipated to be completed by 9/1/15, includes:

1. Additional customer service surveys development and analysis;
2. Training in all categories (division and work group round II team trainings);
3. One-on-one coaching completed w/management team;
4. Cross-educational project completed as described above;
5. Service improvements, and all staff fulfills their required certification trainings and those that support department and City objectives specific to Health, Safety and Progress;
6. Mission statements inclusively developed and posted in Permit Center.

Improving Staff Morale -

Increasing staffing and filling vacant positions has also had a positive effect on staff morale. In such a stressful, high workload environment that exists in the organization, trainings to date have resulted, based on feedback from staff, in higher morale and sense of being part of a team with increased effective communication and customer service delivery with our customers and within the organization. Stressing the importance of assisting customers, including using expertise to arrive at creative solutions, has and will continue to be messaged. By far, most customers have high praise for our hard-working staff.

Finally, the new Deputy Director of Development Services has had a positive impact on staff morale and has been actively involved in many of the activities identified above.

Improved Hiring Process - A more rigorous recruitment process has also been implemented, with greater emphasis on project or consultant management experience, and more comprehensive early training on Hayward's processes. Development Services staff has worked

closely with HR staff in ensuring job specifications are current and are in line with the organization's values. Revisions to the job specs for the Supervising Plan Checker/Expediter, Building Official, Planning Manager, Senior Planner, Permit Technician, Development Review Engineer, and Development Review Specialist positions have all occurred over the last several months. Also, a more rigorous interview process has been implemented, with multiple department interview rounds being utilized entailing staff from various departments, especially for management positions.

Achieving Efficiencies Through Technology - Of the three Development Action Review Teams (DART) previously mentioned, a "Blue" DART has been meeting for the last couple of months to discuss ways technology can be utilized to assist in process improvements.

The new permitting component for the enterprise resource planning (ERP) system, called MUNIS, was activated as "go live" on November 11. Various staff, including from Building, Planning, and Fire, spent well over 1,000 hours with the vendor over the last several months to set up this system and to train other staff. It is expected that this new component will not only reduce the inefficiencies of our previous permitting system (Eden), but also allow more effective coordination with the financial accounting system to better track and retrieve fee information. As previously mentioned to Council, a comprehensive fee study is scheduled for this fiscal year, which will result in data to not only help achieve full cost recovery, but to also provide greater clarity in fee structure. This should also lead to simpler Planning, Building and Fire Protection Office fee schedules that are more user friendly for customers and staff, and to greater flexibility in addressing unique situations.

Staff has and will continue to provide input on development of a new website for the City, with emphasis on content that will provide clarity for the development review process (e.g., simple step-by-step process for submitting applications in person and online; options for obtaining information prior to application submittal, etc.). Taking full advantage of our excellent GIS system, which contains detailed information about each property in Hayward and includes hyperlinks to zoning regulations, will also be a key objective for the website update related to development review.

Another area relates to staff assessing field technologies that will be used by the Building Inspectors to log inspections in the field and in the system. It is anticipated that such analyses will be completed and equipment in place by the end of this fiscal year once MUNIS permitting is fully operational.

Finally, once the new MUNIS permitting component is fully functional with any "bugs" worked out, staff will be working to set up an electronic plan submittal and plan checking system that will be compatible with MUNIS. Larger computer monitors have already been purchased in the Development Services Department that will allow staff the ability to review construction drawing details, as has a program that allows staff to comment on plans in a simple pdf format. An iCloud storage system for plans is already a possibility and has been used successfully for preliminary testing as well.

With implementation of the new MUNIS system permitting component, the planned overhaul of the City's website, and use of other technologies like the one mentioned above, efficiency and customer service will be enhanced.

ECONOMIC AND FISCAL IMPACTS

One of the most significant things that Hayward can do to attract and retain new businesses and ensure a healthy economic climate for our city is to offer a predictable, timely, and affordable development review processes with friendly, helpful, and knowledgeable staff. The advantages of being strategically located in the East Bay is also a major factor for our growth, which has been a factor recently as leasing costs on the Peninsula and in San Francisco have “pushed” businesses our way.

There are no fiscal impacts with these recommendations and implementation beyond what has already been approved by Council and budgeted. However, as part of the mid-year budget discussion, staff may be recommending further adjustments to staffing to help continue implementation of the programs outlined in this report. Also, possible recommendations for added budget for outside consultants for other departments with no net fiscal impact to the General Fund (supported by permit fees) may also be recommended, to provide greater flexibility to respond to the ebb and flow of permit activity.

PUBLIC CONTACT

The Development Services Director has informed participants at the last two Development Review Focus Group meetings of this work session, and progress and improvements thus far. Also, he attended a meeting of the Chamber’s Government Relations Council (GRC) on October 3 and provided an overview of process improvements. The Mayor and City Manager also attended a meeting of the GRC on November 7 and provided an update from their perspective. Comments received were generally positive and supportive of the recent efforts to improve our processes.

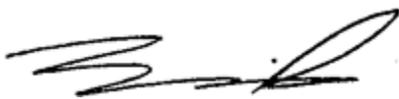
Finally, the City Manager has been talking with major applicants to the development review process prior to application, as they apply, during the process, and at completion to assess their experience and get their comments and suggestions. Almost without exception, two things have emanated from those conversations: (1) most applicants express surprise and satisfaction that their experience with staff was so positive; and (2) all encourage the City to continue with the early interaction between Council and applicant for major projects: they thought this process innovative and extremely helpful to all parties.

NEXT STEPS

Staff will continue to implement these process improvements and, if desired by Council, provide an update toward the end of this fiscal year.

Prepared by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachment s:

Attachment I: Summary of Implementation of Improvement Efforts

Cc: Garrett Contreras, Fire Chief
Morad Fakhrai, Director of Engineering & Transportation
Alex Ameri, Director of Utilities & Environment

DEVELOPMENTAL SERVICES DEPARTMENT

EXECUTIVE SUMMARY

Permit Center - November 18, 2014

TIMELINE

COMPLETED TO DATE

6 MONTHS

| IMPROVED COMMUNICATION/ENGAGEMENT WITH DEVELOPMENT COMMUNITY AND APPLICANTS | | |
|---|--|---|
| Early Interaction with City Council and Planning Commission | <ul style="list-style-type: none"> Establish process to allow early review of conceptually developed plans for larger, more significant projects by City Council and Planning Commission. Process established; 2 projects reviewed in Fall of 2014. | <ul style="list-style-type: none"> Ongoing |
| Providing Clear and Early Communication w/Development Teams | <ul style="list-style-type: none"> See item above; also, more formalized structure and interaction with new Economic Development staff | <ul style="list-style-type: none"> Ongoing |
| Development Review Focus Group Meetings | <ul style="list-style-type: none"> Moving toward a topic-oriented format, with invitations extended to those associated with such topics: e.g., last two meetings focused on industrial sector. | <ul style="list-style-type: none"> Ongoing |
| | <ul style="list-style-type: none"> Recruit new members from the community with relevant experience in progressive trends and development (Initiate recruitment). | <ul style="list-style-type: none"> Complete Recruitment |
| PROCESS/SYSTEMS IMPROVEMENTS | | |
| Improving Internal Policies and Procedures | <p>I. Developed three cross-departmental Development Action Review Teams (DART) Comprehensive assessments, including actions that will provide clear, consistent, efficient, effective tools that enhance service delivery:</p> <p>DART 1: Review, revise and developed Policies, Procedures & Processes related to all permit applications (32 developed and/or in process to date), including, but not limited to; Temporary Certificate of Occupancy; over the counter solar; single family check list; courtesy inspections; evening inspections; pre-application flier; accessibility checklist and pre-courtesy inspections and staff workstations.</p> <ul style="list-style-type: none"> - Developed plan check matrix for Building, Planning, Fire & Public Works for large applications. - Jurisdictional analysis of benchmark cities on Permit Center processes, procedures and timelines. - Begun analysis of plan check review within application types. TI's (tenant improvements) & solar thus far <p>Assess and implement appropriate changes for timeline reductions and process improvements associated with building permit application plan check reviews. 12/14 - draft matrix developed.</p> | <ul style="list-style-type: none"> Complete vetting and educate staff on all 32 P&P Implement and publish, internally and externally as appropriate Initiate varies P&P's as necessary (estimated 25+) Implementation of appropriate changes for potential timeline reductions and process improvements. Examples include but are not limited to: courtesy inspections, accelerated building plan check review (5 days), over the counter residential solar permits/review. Complete plan check matrix for all departments in all four application groups, then assess for efficiencies. 3 mo - Matrix finalized - initial measures/changes implemented ("lower hanging fruit"). 6 mo - Additional measures/changes identified are implemented. 12 mo - Final measures/changes identified are implemented. |

| | | |
|--|--|---|
| Improving Internal Policies and Procedures, cont... | DART 2: Review and modify all applications, handouts, checklists, code/pre-application meetings. - Permit Center and post-construction surveys development and implemented. - Compiled 150+ applications, check lists & handouts. Review and updating process 5% completed. | <ul style="list-style-type: none"> Review and modify approx. 60% of all applications, handouts, check lists and pre-meeting check lists with 100% completed by 1/2016. |
| | DART 3: Improve/Update Technology (filed/software) & Webpages. Pending Munis launch 11/14 for field, scheduling and online application technology. - Assessment of field technology. - On-line permitting assessment. - Webpages review and discussion. | <ul style="list-style-type: none"> Assess and update web pages 100% completion. Utilizing technology for communications and hosting various trainings for community. Evaluate MUNIS technology for on-line permitting application (potentially evaluate/purchase software to support on-line permit applications). Implement on-line permitting applications, goal 50% completion. Implement on-line permitting applications, goal 75% completion. |
| | II. Restructure and refocus of divisional and departmental meetings within each work unit. | <ul style="list-style-type: none"> By-weekly and/or monthly meetings now occurring within each of the six work groups . |
| | III. Departmental archived files scanning project in process. | <ul style="list-style-type: none"> Building Division completed by 12/2015. Planning Division in RFP progress - Estimated completed by fall 2016. |
| | IV. DS Departmental reorganization to streamline direct reports - Direct reports to Planning Manager was 14:1, will now be 7:1; Building Official was 17:1, with mid-year FY15 adjustments, will be 4:1. 'New Org Chart completed in 10&11/14. | <ul style="list-style-type: none"> Implementation by 1/2016. |
| | V. Develop customer satisfaction surveys for planning application review process. <ul style="list-style-type: none"> Building permit application plan check review process. Developed Customer Service Satisfaction Survey for Permit Center & post construction. Master Fee Study to be done to simplify City's fee schedule and ensure cost recovery. | <ul style="list-style-type: none"> Surveys completed, utilized, measured. Ongoing (weekly assessments). Ongoing (bi-weekly assessments). Fee Study anticipated to be completed FY16. |
| | VI. Implement Flat rate billing structure for Planning application. | <ul style="list-style-type: none"> Pending MUNIS launch anticipated 1/2015. |
| | VII. Developed a "what's late report" | <ul style="list-style-type: none"> Weekly review and corrections as necessary. |
| | Regulatory Revisions | <ul style="list-style-type: none"> Update Zoning Ordinance and its Critical Components: Developing draft scope for phasing in developing a unified development code (to include new provisions for zoning ordinance, off-street parking, park obligations, tree preservation, etc.), with emphasis initially on industrial area regulations. Draft Initial Scope completed 11/14. |

STAFFING, TRAINING, AND MORALE

| | | |
|-------------------------|---|--|
| Staffing Changes | <ul style="list-style-type: none"> Hired new Deputy Director for DS Dept. Hired new Supervising Plan Checker/Expediter Recruiting for vacant Building Official position. Recruiting for vacant Senior Planner position. Filled vacant Development Review Engineer position. Filled vacant Transportation Manager position in Public Works. Recruiting for vacant Development Review Specialist position. Assess need for additional staffing. | <ul style="list-style-type: none"> Anticipated hire date 12/31/14. Anticipated hire date 12/31/14. Anticipated hire date 12/31/14. Anticipated mid-year. |
|-------------------------|---|--|

| | | |
|--|--|---|
| Training for Staff | <ul style="list-style-type: none"> • Director, Planning Manager and Building Official have been receiving executive coaching/leadership (Phase I in process). • Improve on board/training process for new managers, expectations one-on-ones with all new employees to include structured training schedule, regular meetings with management, written policies and procedures (see below), etc. | <ul style="list-style-type: none"> • Completion by early 2015. • Ongoing (bi-weekly). |
| | <ul style="list-style-type: none"> • Ergo evaluations and corrections completed. | |
| | <ul style="list-style-type: none"> • Divisional Team Building (Phase I) Training "Who/How We Serve" with SWAT analysis. • Permit Center hospitality/customer service training (Phase I). | <ul style="list-style-type: none"> • Phase II Customer Service Training (recognizing communication styles, difficult customers, professional consistent messaging). Phase III Leadership communications training (2). |
| | <ul style="list-style-type: none"> • Maintain all certifications as law mandates: Bldg Division staff attended annual state CALBO conference. | <ul style="list-style-type: none"> • Continuous. |
| | <ul style="list-style-type: none"> • Some Planning Division staff attended CEQA and Subdivision Map Act Classes. | |
| | <ul style="list-style-type: none"> • Some Planning Division staff will attend State Planning Conference in Oakland next fall. | |
| Improving Staff Morale | <ul style="list-style-type: none"> • Initiated cross-departmental educational training program for 75 city employees for improved customer service, and team building within the organization. • Various items indicated above. | <ul style="list-style-type: none"> • Completed by April 2015, assessment and enhancement implemented May 2015. |
| Improved Hiring Process | <ul style="list-style-type: none"> • Implemented a more rigorous and focuses recruitment process "hiring the right candidate", with greater focus on management skill set, as well as communication and leadership skills, with multiple interview rounds. | <ul style="list-style-type: none"> • Ongoing. |
| ACHIEVING EFFICIENCIES THROUGH TECHNOLOGY | | |
| | <ul style="list-style-type: none"> • Complete MUNIS permitting component system setup and initial training. | <ul style="list-style-type: none"> • By 11/14. • 12 Months - Maintenance of system and initial system corrections. |
| | <ul style="list-style-type: none"> • Scan all archived files in Planning and Building into new MUNIS system. | <ul style="list-style-type: none"> • Building to be completed by 12/14. • Planning to be completed by 6/15 (RFP to be distributed in 1/15). |
| | <ul style="list-style-type: none"> • Provide tablets or iPads for Building Inspectors to allow for inspection result entries in the field. | <ul style="list-style-type: none"> • 10/14 initial assessment. • To be implemented once MUNIS is fully functional. |
| | <ul style="list-style-type: none"> • Provide input on new website development related to enhanced information related to development review. | <ul style="list-style-type: none"> • 9/14 - initial input. • Additional input and review of first update of website. • Final review of final update for website. |
| | <ul style="list-style-type: none"> • Electronic plan submittal and plan check review - initial testing. | <ul style="list-style-type: none"> • Summer of 2014 - initial assessment. • Develop implementation program once MUNIS permitting component installation is complete. • 12 Months • Implementation final phase of program (software installation, staff training, testing, and rollout). |



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING
AUTHORITY/REDEVELOPMENT SUCCESSOR AGENCY/HAYWARD
PUBLIC FINANCING AUTHORITY MEETING OF THE CITY OF
HAYWARD**

**City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 21, 2014, 7:00 p.m.**

The Special Joint City Council/Housing Authority/Redevelopment Successor Agency/Hayward Public Financing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HA/RSA/HPFA Member Lamnin.

ROLL CALL

Present: COUNCIL/HA/RSA/HPFA MEMBERS Zermeño, Mendall, Jones, Peixoto,
Lamnin, Márquez
MAYOR/CHAIR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson noted that the Council met in closed session regarding two items: (1) Conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation and (2) Conference with legal counsel pursuant to Government Code 54956.9 regarding Hackney v. City of Hayward, U.S. District Court, N.D. CA, No. C-14-1714. City Attorney Lawson announced that the Council took no reportable action concerning the anticipated litigation and the Council unanimously approved settlement of the Hackney v. City of Hayward case with a motion by Council Member Lamnin and a second by Council Member Zermeño.

PUBLIC COMMENTS

Ms. Wynn Greich, Hayward resident, spoke about the correlation of breast cancer and other medical conditions due to chloramine fluoride and ammonia in water, dirty electricity, and metal pipes.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced the 2014 Small Business Workshops at City Hall. Mr. Huggett spoke on behalf of downtown businesses and expressed the merchant's desire to protect parking spaces for business owners and employees.

Ms. Margaret "Molly" Dolley, San Leandro resident, did not support using Community Development Block Grant (CDBG) funds for street improvement.

WORK SESSION

1. BART's Implementation of Parking Fees at the Hayward Station

Staff report submitted by Transportation Manager Kelley, dated October 21, 2014, was filed.

Public Works-Engineering and Transportation Director Fakhrai provided a synopsis of the report.

Discussion ensued among Council members and City staff related to BART's implementation of parking fees at the Hayward station and the impact to downtown and residential areas to the west of the Hayward BART station. The Council was in general agreement with the short term strategy to mitigate potential impacts to the downtown parking areas by designating a two-hour parking limit on streets and four-hour parking restriction in the City Hall parking structure and municipal parking lots.

Council members offered the following suggestions for long term strategies: explore having a parking garage behind Buffalo Bills; explore having a parking permit option for downtown merchants and employees; provide online information about the Residential Permit Parking Program; continue to work with BART representatives in addressing the implementation of parking fees, the Environmental Impact Report, and the parking fee impact to other cities; explore utilizing the empty lot at Montgomery and A streets for parking; and direct enforcement personnel to solicit feedback about the implementation and the impact on downtown merchants and residential areas west of the Hayward BART station.

CONSENT

Consent item No. 3 was pulled for discussion.

2. Adoption of FY 2015 Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Director of Finance Vesely, dated October 21, 2014, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to adopt the following:

Resolution 14-170, "Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

Housing Authority Resolution 14-08, "Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

Redevelopment Successor Agency Resolution 14-05, "Resolution of the City Council of the City of Hayward, Acting as the Governing Board for the Redevelopment Successor Agency of the City of Hayward Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

Hayward Public Finance Authority Resolution 14-02, "Resolution Affirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"



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3. Consideration of Resolution in Opposition to Proposition 47: The Safe Neighborhoods and Schools Act (*Continued from 10/14/14*)

Staff report submitted by Management Fellow Stefanski, dated October 21, 2014, was filed.

Assistant City Manager McAdoo provided a synopsis of the report and responded to questions posed by Council members related to staff's recommendation.

Mayor Halliday opened the public hearing at 7:56 p.m.

Mr. Frank Burton, Hayward resident, spoke in favor of Proposition 47 noting that sending offenders to state prison for nonviolent crimes could set them up for life in prison, and added that savings from the passage of Proposition 47 would be used for rehabilitation and training.

Mayor Halliday closed the public hearing at 7:58 p.m.

Council Member Peixoto supported the staff recommendation and offered a motion to approve the resolution in opposition to Proposition 47 and Council Member Zermeño seconded the motion.

Council Member Lamnin noted that Proposition 47 would provide an opportunity to change behavior, would prevent crimes and its impact on the City, and would require vigilance. Ms. Lamnin noted that regardless of the passage of Proposition 47, staff should look at ways of making any available funding more effective for Hayward.

Mayor Halliday supported the motion noting that Proposition 47 should not be enacted by voters, and added that property crime was already problematic in Hayward and Proposition 47 would further burden the City.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried with the following vote, to adopt the resolution:

AYES: Council Members Zermeño, Mendall, Jones, Peixoto
MAYOR Halliday
NOES: Council Member Lamnin, Márquez
ABSENT: None
ABSTAINED: None

Resolution 14-171, "Resolution In Opposition to Proposition 47: the Safe Neighborhoods and Schools Act"

PUBLIC HEARING

Council Member Lamnin indicated that she had to recuse herself from discussing and voting on the public hearing due to a conflict of interest and left the Council Chambers at approximately 8:05 p.m.

4. Approval of a Substantial Amendment to the Community Development Block Grant (CDBG) FY 2014-15 Annual Action Plan for the Hayward Promise Neighborhood Street Improvement Project

Staff report submitted by Community Services Manager Jaeger, dated October 21, 2014, was filed.

Director of Library and Community Services Reinhart provided a synopsis of the report.

Discussion ensued among Council members and City staff about the \$1.38 million unspent or underspent Community Development Block Grant (CDBG) funds, how the reconciled funds from 1976 to 2014 could be spent, and how the regulations set by the U.S. Department of Housing and Urban Development (HUD) would limit the use of the funds. It was noted that staff reviewed several projects but none met HUD's guidelines, except for the project to implement street improvement in a low-income eligible census tract located in the Hayward Promise Neighborhood.

Mayor Halliday opened the public hearing at 8:38 p.m.

The following speakers suggested projects that were shovel-ready and could be completed within twelve months by using the unspent CDBG funds. City staff noted that the proposals would need to be vetted by the City and that process would take one year.

Ms. Vera Giammetti, Executive Director of Ruby's Place, asked that the City push back on HUD and request an extension in order to give non-profit agencies the opportunity to present shovel-ready projects. Ms. Giammetti suggested that the unspent CDBG fund be used to repair the shelter's broken gate.

Mr. Frank Burton, Hayward resident, suggested that the funds be used for pre-approved projects or for the establishment of a job program that would benefit the low-income population.

Ms. Marcy Timberman, Hayward resident, suggested that the funds be used to retrofit a public transit bus with a toilet and shower to help the homeless population.

Ms. Sue Merrill, Executive Director of South Hayward Parish, suggested the funds be used to purchase fully contained bathrooms to help the public and the homeless population.

Mr. Mark Branco, Hayward resident, suggested that staff explore other alternatives for the use of unspent CDBG funds.



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Ms. Marnelle Timson, member of the NAFA Committee, urged staff to push back on HUD and consider the homeless when considering how to use unspent funds.

Ms. Corina Vasaura, Hayward resident, urged Council to use the unspent funds for the benefit of low-income residents and after school programs.

Mr. Gabriel Hernandez, Day Labor Center Director, spoke about CDBG regulations and contradictions with eligible projects, and urged staff to continue communicating with HUD to find other acceptable projects.

Ms. Betty Deforest, Hayward resident, suggested allocating more money to social services in the city budget to offset the savings that the City will gain by using CDBG funds for street improvements.

Mayor Halliday closed the public hearing at 9:06 p.m.

Council Member Zermeño suggested the City contact congress representatives and ask for an exception to HUD regulations. Mr. Zermeño was agreeable to increase the allocation for social services in the General Fund.

Council Member Mendall expressed he did not want to jeopardize losing the reconciled CDBG funds and put future allocations at risk of being eliminated. Mr. Mendall added that, while not a high priority, there was value on using unspent funds for road improvement. Mr. Mendall offered a motion per staff recommendation.

Council Member Peixoto seconded the motion.

Council Member Jones reluctantly supported the motion and added that he would be looking for possibilities to provide additional funding to social services to compensate for the loss of CDBG funds, such as evaluating the Measure C funding plan.

Council Member Peixoto noted that the proposals presented from the speakers were more worthy causes than street repairs, but he was concerned that the city could lose the funds if staff continued to explore other alternatives.

Council Member Márquez noted she would support increasing social service funding through the General Fund. Ms. Márquez asked that the information that was reconciled through the audit be reviewed and the amount that should have been spent on social services be identified. She encouraged everyone to contact the congressman about the limitations with the CDBG funds.

Council Member Zermeño offered a friendly amendment to the motion that would identify \$1 million for social services. Council Member Mendall was not amenable to the friendly amendment.

Mayor Halliday acknowledged staff's efforts with the challenging process that resulted in \$1.38 million available funding that would be used for street improvement. Mayor Halliday noted that the City might consider, during the budget process, compensating for the loss of funds that otherwise would have been used for social services.

Council Member Lamnin returned to the dais at approximately 9:28 p.m.

It was moved by Council Member Mendall, seconded by Council Member Peixoto, and carried by the following vote, to adopt the resolution:

AYES: Council Members Mendall, Jones, Peixoto, Márquez
MAYOR Halliday
NOES: Council Member Zermeño
ABSENT: Council Member Lamnin
ABSTAINED: None

Resolution 14-172, "Approval of a Substantial Amendment to the Community Development Block Grant (CDBG) Fiscal Year 2014/15 Annual Action Plan for the Hayward Promise Neighborhood Street Improvement Project"

INFORMATION ITEMS

There were none.

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced there was a Keep Hayward Clean and Green Task Force litter clean-up and graffiti removal event on October 25, 2014 at the Harder Road/Industrial Boulevard neighborhood.

Council Member Lamnin announced the Make a Difference Day event at the Family Resource Center on October 25, 2014. She also congratulated Puente students at Tennyson High School who were recognized by the UC Berkeley Chancellor.

Council Member Márquez announced Coffee with a Cop event on October 25, 2014 at the former John Muir Center.



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ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:30 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF
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City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 28, 2014, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened a closed session at 5:00 p.m. and per Government Code 54954.2 (b) (2) the Council unanimously approved, with Council Member Zermeño making a motion and Council Member Márquez seconding the motion, adding two items to the agenda: (1) Louis Johnson: WCAB, ADJ7870429 and (2) Ken Henderson: WCAB, ADJ9064349 and WCAB, ADJ9075329. It was reported that the Council unanimously approved compromise settlement of both matters with Council Member Mendall making a motion and Council Member Zermeño seconding the motion. City Attorney Lawson further indicated that the Council also met with labor negotiators pursuant to Government Code 54957.6 regarding all groups, and met with legal counsel pursuant to Government Code 54956.9 regarding two anticipated litigation cases. There was no action taken regarding both items.

PUBLIC COMMENTS

S.J. Samiul, (aka Citizen Sam), Hayward resident, suggested that all new housing developments have tankless water heaters and solar panels, encouraged everyone to vote for Measure BB, and encouraged the public to contact Congressman Swalwell regarding HUD funds.

Consent Item No. 2 was removed for discussion.

CONSENT

1. Approval of Minutes of the Special City Council Meeting on October 14, 2014
It was moved by Council Member Peixoto, seconded by Council Member Jones, and carried unanimously, to approve the minutes of the Special City Council Meeting on October 14, 2014.

Council Member Jones recused from discussing and voting on Consent Item No. 2 due to the proximity of the proposed project to his residence.

2. Authorization for the City Manager to Execute a Professional Services Agreement for the Route 238 Corridor Improvement Project – Phase 2 and Phase 3 Design Services

Staff report submitted by Assistant City Engineer Owusu, dated October 28, 2014, was filed.

Council Member Mendall urged staff to continue to explore funding opportunities for undergrounding work for the rest of Mission Boulevard.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously with Council Member Jones absent, to adopt the following:

Resolution 14-177, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with BKF Engineers for Professional Services for the Route 238 Corridor Improvement Project – Phase 2 and Phase 3 Design Services”

3. Approval of Resolutions to Authorize the Figtree Property Assessed Clean Energy (PACE) Program to Serve Commercial Property Owners in Hayward

Staff report submitted by Administrative Analyst I Thomas, dated October 28, 2014, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Jones, and carried unanimously, to adopt the following:

Resolution 14-173, “Resolution Approving Associate Membership by the City of Hayward in the California Enterprise Development Authority and Authorizing and Directing the Execution of an Associate Membership Agreement Relating to Associate Membership of the City in the Authority”

Resolution 14-174, “Resolution of the City Council of the City of Hayward, State of California, Consenting to Inclusion of Properties Within the Incorporated Area of the City in the Alameda County Property Assessed Clean Energy Program to Finance Distributed Generation Renewable Energy Sources and Energy and Water Efficiency Improvements, Approving the Report Setting Forth the Parameters of the Referenced Program and Certain Matters in Connection Therewith”

4. Adoption of a Resolution Approving an Amendment for up to \$31,000 to a Professional Services Agreement for Associate Planner Services in the Planning Division

Staff report submitted by Administrative Analyst Kim, dated October 28, 2014, was filed.



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It was moved by Council Member Peixoto, seconded by Council Member Jones, and carried unanimously, to adopt the following:

Resolution 14-175, “Resolution Authorizing the City Manager to Execute an Amendment to an Agreement with West Coast Code Consultants (WC3) for Up to \$31,000 for Associate Planner Services”

5. Water Pollution Control Facility Cogeneration System: Authorization for the City Manager to Amend Professional Services Agreement for Additional Engineering Services During Construction and Amend Construction Contract for Additional Administrative Change Order Authority, and Appropriation of Funds

Staff report submitted by Senior Utilities Engineer England, dated October 28, 2014, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Jones, and carried unanimously, to adopt the following:

Resolution 14-176, “Resolution Authorizing the City Manager to Execute Amendments to the Professional Services Agreement with Carollo Engineers to Increase Funds by \$100,000 for Additional Engineering Services, and Amendments to the Construction Contract with Monterey Mechanical for an Additional \$400,000 for Administrative Change Orders for the WPCF Cogeneration Upgrade Project”

PUBLIC HEARING

6. Adoption of a Resolution for a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Introduction of an Ordinance for a Zone Change (Application No. PL-2014-0083) from Medium Density Residential to Planned Development and Vesting Tentative Tract Map 8172 (Application No. PL-2014-0084) associated with the subdivision and construction of 25 single-family detached homes, 10 attached homes and common areas on a 2.94-acre site bounded by Eden Avenue, Saklan Road and Montevina Way. Doug Rich of Valley Oak Partners (Applicant) and Sandra Gudiel, Fernando Ramirez and Tatsumi Hirakawa (Owners)

Staff report submitted by Associate Planner Ajello, dated October 28, 2014, was filed.

Development Services Director Rizk announced the report and introduced Associate Planner Ajello who provided a synopsis of the report. Associate Planner Ajello indicated the following revisions to the report: remove Finding No. 15 of the California Environmental Quality Act because it was a duplicate; substitute “me” for “project arborist” on bullet five under Conditions of Approval No. 17 and in the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

Mr. Doug Rich, project applicant with Valley Oak Partners, delivered a PowerPoint presentation of the proposal and spoke favorably of the interaction with City staff regarding the proposal.

Discussion ensued among Council members, City staff and Mr. Rich of Valley Oak Partners related to: community engagement, solar feasibility study, open space, and quality of life options for potential buyers.

Mayor Halliday opened the public hearing at 7:38 p.m.

Mr. S.J Samiul, (aka Citizen Sam), Hayward resident, recommended that the two trees on Eden Avenue be preserved and that the developer offer assistance to the resident being displaced by the project.

Mayor Halliday closed the public hearing at 7:40 p.m.

All Council members disclosed having met with Mr. Rich of Valley Oak Partners regarding the proposal, and they appreciated the positive comments about the collaboration among City staff and the project applicant.

Council Member Mendall offered a motion per staff recommendation and Council Member Zermeño seconded the motion.

Council Member Mendall was in general agreement of the proposal and particularly appreciated the parking spaces, solar features, and the park for the community.

Council Member Zermeño agreed with the proposed infill project and noted that the open space was workable and any removed trees would be replaced.

Council Member Peixoto agreed with the overall project including the reduction in the number of units and the architectural features.

Council Member Lamnin supported the project and appreciated the tree replacement. Ms. Lamnin suggested prioritizing solar energy systems in the review process and supported collaboration among the existing homeowners associations. Ms. Lamnin offered a friendly amendment to add a Condition of Approval that, “The Homeowners Association shall require homeowners to maintain in good condition the awnings over front entry ways of their homes.”

Council Member Mendall and Council Member Zermeño were amenable to the friendly amendment.



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Council Member Márquez supported the motion and appreciated that the input from the Planning Commission was incorporated into the report, liked variety in the floor plan options, favored scaling back to three story homes, and supported the universal design plan and the amenities on the first floor that addresses the aging in place concept.

Council Member Jones supported the proposed infill project and hoped it would serve as an example for future developments, and appreciated the change from three to two-story homes and looked forward to the results of the solar feasibility study.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with a Condition of Approval that, “The Homeowners Association shall require homeowners to maintain in good condition the awnings over front entry ways of their homes.”

Resolution 14-178, “Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application PL-2014-0084 and Zone Change Application PL-2014-0083 Pertaining to the Development of Twenty-Five Attached and Ten Detached Single-Family Homes at 23830 and 23836 Saklan Road and 24137 Eden Avenue in the Mt. Eden Area”

Introduction of Ordinance 14-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2014-0083 Relating to a Residential Development at 23830 and 23836 Saklan Road and 24137 Eden Avenue”

7. Designation of Additional Preferential Residential Permit Parking Areas

Staff report submitted by Transportation Manager Kelley, dated October 28, 2014, was filed.

Director of Public Works-Engineering and Transportation Fakhrai noted the Council was in receipt of a revised resolution which removed the following streets: Parkside Drive between Hayward Boulevard and Tribune Avenue, Home Avenue, Hillcrest Avenue, and Rainbow Court, in response to neighborhood concerns and the residents’ decision to modify the streets included in the program and the days and hours of enforcement. Transportation Manager Kelley provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding the Preferential Residential Permit Parking Program.

Council Member Lamnin disclosed that she resides near the proposed area, but she did not have a conflict of interest and would be able to participate. Ms. Lamnin requested a future update regarding paving on the designated streets proposed as Preferential Residential Permit Parking areas.

Mayor Halliday opened the public hearing at 8:04 p.m.

Mr. Lou Maiwald, Hillcrest Avenue resident, submitted a petition signed by Hillcrest Avenue residents who objected to having Hillcrest Avenue designated as Preferential Residential Permit Parking Area.

Mr. Jaime Quiroga, Dobbel Avenue resident, noted that since Highland Boulevard and University Court were designated as Preferential Residential Permit Parking areas, Dobbel Avenue residents have been greatly impacted by parking issues and nuisance behavior by students of California State University East Bay (CSUEB), and requested more police presence.

Ms. Pamela Ross, Hemmingway Court resident, claimed that the permit parking request petition did not include cost information to have designated areas and voiced concerns about enforcement of permit parking regulations. Ms. Ross noted that parking permit hours were too long and there were challenges with cars speeding on Dobbel Avenue and Spencer Lane.

Mr. Robert Mitchell, Dobbel Avenue resident, supported the Preferential Residential Permit Parking Program for the designated areas and requested that options be considered for visitor parking during special celebrations/events.

Mayor Halliday closed the public hearing at 8:21 p.m.

Council Member Zermeño offered a motion per staff recommendation including the revised resolution, and Council Member Lamnin seconded the motion.

Council Member Zermeño favored the Preferential Residential Permit Parking Program because the Program had worked for the existing four designated areas.

Council Member Mendall supported the motion noting that the Preferential Residential Permit Parking Program was resident-driven.

Council Member Jones supported the motion as a measure to help the neighborhood with the current parking impact. Mr. Jones noted that the CSUEB's parking impact to the community will need to be addressed and suggested revisiting the California State University East Bay (CSUEB) University Master Plan process.

Council Member Márquez supported the motion because it was led by the community. Council Member Márquez suggested having, at a later meeting, a discussion on traffic and littering issues in the community.



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Mayor Halliday supported the motion and noted that the Preferential Residential Permit Parking Program had worked well for residents on University Court. Mayor Halliday noted that issues voiced by the residents were also discussed during the Neighborhood Partnership meetings.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried unanimously, to adopt the following:

Resolution 14-179, “Resolution Designating Spencer Lane, Hemmingway Court, Civic Avenue and Dobbel Avenue as Preferred Residential Permit Parking Areas”

INFORMATION ITEMS

8. Regulating Short-term, Peer-to-Peer Rental Housing

Discussion ensued among Council members and City staff about the information item, and it was noted that Council members could request that the item be brought back for discussion at a later time and this would also allow for gathering more data.

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño reported that he had been in contact with the Alameda-Contra Costa Transit District (AC Transit) and was pleased to report that there was a new bus stop cover at Cathy Way and Hesperian Boulevard.

Council Member Márquez reported favorably on the activities that occurred on October 25, 2014: Keep Hayward Clean and Green Task Force litter clean-up; Make a Difference Day; and Coffee with a Cop. Ms. Márquez also announced the Latinas in STEM (Science, Technology, Engineering and Math) conference for San Francisco Bay Area Middle and High School students on November 8, 2014 at the Dr. Martin Luther King Jr. Middle School.

ADJOURNMENT

Mayor Halliday adjourned the meeting 8:43 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF
HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 4, 2014, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Mendall.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

PRESENTATION

Mayor Halliday read the proclamation proclaiming November 15-23, 2014, as National Hunger and Homelessness Awareness Week in the City of Hayward. Mayor Halliday presented the Proclamation to Ms. Vivian Wan, Associate Director for Adobe Services, one of the most effective housing and homeless service providers in the San Francisco Bay Area. Council Member Lamnin noted that while it was appropriate to recognize regional efforts, it was important to get involved in local efforts and make an impact on ending homelessness in Hayward. Council Member Zermeño requested that a copy of the Proclamation be provided to South Hayward Parish.

PUBLIC COMMENTS

Ms. Betty DeForest, Hayward resident, thanked the City for the Proclamation on National Hunger and Homelessness Awareness Week and she hoped that residents would become aware about the Hayward population in need of food and shelter.

Ms. Lisa Vorderbrueggen, East Bay Governmental Affairs Executive Director with the Building Industry Association of the Bay Area (BIA), expressed the BIA supported the staff's work session recommendation to convert the existing fee levels into the new structure and suggested incorporating into the new Ordinance a grandfathering clause for development of projects currently in process. Ms. Vorderbrueggen indicated that BIA would oppose the use of the Hayward's Nexus Study and its methodology to justify fee hikes beyond the current fees.

WORK SESSION

1. Review of Inclusionary Housing Ordinance and In-Lieu Fee

Staff report submitted by Housing Development Specialist Cortez, dated November 4, 2014, was filed.

Assistant City Manager McAdoo provided a synopsis of the report.

Discussion ensued among Council members, City staff, and Barbara Kautz with Goldfarb & Lipman LLP related to the City of Hayward Inclusionary Housing and the Nexus Study.

There was general support for the staff recommendation related to the provisions in the ordinance and the funds for inclusionary housing and rehabilitation of affordable units. Council members offered the following suggestions: research if a portion of the funds could be set aside to support the development of a homeless shelter/facility; explore the legal ramification of not spending the fees that would be collected for mitigation purposes; develop language for the grandfathering approach with appropriate limitations; eliminate the 25 percent cap or add flexibility to the percentage that would be allowed to be used for Housing Fees collected for the acquisition and rehabilitation of existing housing for affordable housing purposes; and continue the partnership with the affordable housing community and use the funds to leverage housing.

It was noted that the draft ordinance would come back before the Council at the end of the year or in January 2015.

CONSENT

2. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2014-0083 Relating to a Residential Development at 23830 and 23836 Saklan Road and 24137 Eden Avenue

Staff report submitted by City Clerk Lens, dated November 4, 2014, was filed.

It was moved by Council Member Lamnin, seconded by Council Member Márquez , and carried unanimously, to adopt the following:

Ordinance 14-21, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2014-0083 Relating to a Residential Development at 23830 and 23836 Saklan Road and 24137 Eden Avenue”

INFORMATION ITEMS

There were none.

CITY MANAGER’S COMMENTS

City Manager David made four announcements: the conversion of utility billing to the new Financial System was overall a success; the Permit Center would be closed on November 10, 2014 for a conversion of a permit software; the City would close non-essential services during the weeks of Thanksgiving and Christmas Holidays: November 24, 2014 through November 28, 2014, and



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF
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Tuesday, November 4, 2014, 7:00 p.m.

December 24, 2014 through January 1, 2015; and the Hayward Police Department was holding a Promotion and Swearing-in Ceremony on November 7, 2014 at City Hall.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Mendall noted the polls had closed and provided early returns on Measure L and Measure BB.

Council Member Jones invited everyone to the Third Annual SantaCon Hayward event on December 6, 2014, with Santa stops at the World Famous Turf Club, Bijou Restaurant & Bar, Metro Taquero and The Bistro; and noted that the event would benefit the Hayward Animal Shelter.

Council Member Zermeño announced the Alameda County Board of Supervisors-District 2, Alameda County Mental Health Board, and Alameda County Behavioral Health Care Services would be presenting a Town Hall Forum on November 17, 2014, at Hayward City Hall.

Mayor Halliday announced the Council would not hold a Council meeting on November 11, 2014, in observance of the Veterans Day Holiday.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:25 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF
HAYWARD
HEART OF THE BAY

DATE: November 18, 2014

TO: Mayor and City Council

FROM: City Manager
City Attorney

SUBJECT: Policy in Support of a Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace

RECOMMENDATION

That Council adopts the attached Resolution approving the policy in support of a Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace.

SUMMARY

The Council has maintained a long-standing policy in support of a harassment-free, discrimination-free, and retaliation-free workplace. This policy is consistent with the California Fair Employment and Housing Act (“FEHA”). On October 19, 2010, this policy was updated to make it expressly applicable to all elected and appointed officials. The attached Resolution revises this policy to reflect changes enacted to the FEHA, to clarify its provisions prohibiting discrimination, and to provide for consistency with the City’s Administrative Rule on this topic.

BACKGROUND

In 1984, the Council adopted Resolution No. 84-245 “expressing its policy against sexual harassment.” The policy was limited to sexual harassment and applies to “all City officers and employees, including management, supervisory, and non-supervisory employees.” In 1984 and in conjunction with such policy, the City Manager issued two Administrative Rules, the first “Concerning Sexual Harassment” and the second “Concerning Racial Harassment.” Both Administrative Rules were applicable to City employees and did not apply to either elected or appointed City officials. Both rules have since been revised to conform to evolving legal standards governing workplace conduct.

In Resolution No. 85-059, the Council reiterated its policy against sexual harassment and also expressed its opposition to discrimination. In it, the Council provided a statement that the City, “as

an employer, [must be] free from employment or personnel practices, which discriminate against persons based on the basis of race, color, national origin or ancestry, religion or sex; which constitute unlawful discrimination on the basis of age or handicap; which foster invidious discrimination on the basis of sexual preference, marital status or responsibility for dependents; and which constitute sexual harassment.”

In Resolution No. 10-159, the Council updated its policy prohibiting harassment and retaliation and expressly extended such policy to itself and to all Appointees.

DISCUSSION

Council’s policy prohibiting harassment, discrimination, and retaliation applies to all City Council Members and all Appointees. The policy defines several types of harassment, to include verbal, physical, sexual, and visual forms of harassment. The policy lists seven “Guidelines for Identifying Harassment” and emphasizes that it includes: any unwelcome conduct; voluntary consent to such conduct is no defense; the failure to complain does not mean that such conduct is welcome; such conduct can constitute harassment even if it is not specifically directed at an individual; such conduct does not require the intent to harass; knowledge of harassment by the City Council Members or Appointees may prompt an obligation to take immediate and appropriate corrective action; and, that a single act can constitute harassment. “Retaliation” is defined as “any adverse conduct” taken against an individual “by a City Council Member or Appointee because the individual has reported harassment or has participated in the complaint procedure.”

The attached Resolution, if adopted, would update the Council’s policy prohibiting harassment, discrimination, and retaliation to provide for a definition of the term “Discrimination” and “Appointee.” “Discrimination” is defined as “treating an individual differently because of the individual’s protected classification.” “Appointee” is defined as “any individual appointed as a member of one or more of the City’s various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).” Additionally, the definition of “Protected Classification” has been amended to reflect recent changes made to the FEHA, including changes to the definition of “sex” to include gender, gender identity, and gender expression, and the addition of military and veteran status and genetic information as protected classifications.

The policy’s “Complaint Procedure” has been amended to clarify that an individual who believes he or she has been harassed, discriminated against, or retaliated against, does not need to report or discuss the conduct at issue with the alleged offending individual prior to initiating a complaint. Additionally, the policy has been amended to explicitly state that any individual who discusses the content of an investigative interview in breach of the duty of confidentiality will be subject to appropriate remedial action, including censure and/or removal from appointment. This mirrors the language that is currently included in the administrative rule on harassment and retaliation applicable to City employees.

ECONOMIC IMPACT

There will be no direct economic impact of this Resolution on Hayward residents.

FISCAL IMPACT

There will be no direct fiscal impact of this Resolution to the City of Hayward.

PUBLIC CONTACT

No public notices were published.

NEXT STEPS

If the Council approves this Resolution, it will be referenced in the Council Handbook; further, staff will disseminate the Resolution to advisory bodies.

Prepared and Recommended by: Michael Lawson, City Attorney

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution Adopting a Policy in Support of a Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace
- Attachment II: Resolution No. 84-245
- Attachment III: Resolution No. 85-059
- Attachment IV: Resolution No. 10-159

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ADOPTING THE CITY COUNCIL’S POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE FOR ELECTED AND APPOINTED CITY OF HAYWARD OFFICIALS

WHEREAS, the City Council is unequivocally committed to supporting a harassment-free, discrimination-free, and retaliation-free workplace; and

WHEREAS, the City Council has maintained a long standing policy prohibiting harassment and retaliation in the workplace as reflected in Resolutions No. 84-245 and No. 85-059; and

WHEREAS, on October 19, 2010, the City Council updated its policy prohibiting harassment and retaliation and expressly extended such policy to itself and to all Appointees as reflected in Resolution No. 10-159; and

WHEREAS, the City Council desires to further update this policy to reflect changes to the California Fair Employment and Housing Act, to clarify its provisions prohibiting discrimination, and to provide for consistency with the City’s Administrative Rule on this topic.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the following Policy in Support of a Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace and authorizes the application of such policy to itself and to the appointed members of the City’s various boards, commissions, committees and task forces.

POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE

The Hayward City Council is committed to prohibiting all forms of harassment and discrimination in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment or discrimination. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from his/her appointment.

I. Definitions.

- A. Appointee. This refers to any individual appointed as a member of one or more of the City’s various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).

- B. Protected Classifications. This policy prohibits harassment or discrimination because of an individual’s actual or perceived protected classification. “Protected classification” includes sex (including gender, gender identity, gender expression, pregnancy, childbirth, and breastfeeding), race, religious creed, color, national origin, ancestry physical or mental disability, medical condition, marital status, age, military and veteran status, genetic information, or sexual orientation (including heterosexuality, homosexuality, and bisexuality).

- B. Policy Coverage. This policy prohibits City Council Members and Appointees from harassing or discriminating against applicants, officers, officials, employees, volunteers, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

- C. Discrimination. This policy prohibits treating an individual differently because of the individual’s protected classification.

- D. Harassment. Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.
 - 1. Verbal Harassment: Includes, but is not limited to, epithets, jokes, comments or slurs that identify a person on the basis of his or her protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.

 - 2. Visual Forms of Harassment: Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.

 - 3. Physical Harassment: Includes, but is not limited to, the following conduct taken because of an individual’s protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.

 - 4. Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:

- a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.
- b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.
- c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.
- d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

E. Guidelines for Identifying Harassment.

- 1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
- 2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- 3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- 4. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- 5. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).

6. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
7. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager's Office or the City's Human Resources Department.

F. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment or discrimination, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any individual who makes a good faith report about harassment or discrimination, who associates with an individual who is involved in reporting harassment or discrimination, or who participates in the complaint and investigation procedure is protected from retaliation.

II. Complaint Procedure. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment, discrimination, or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.

- A. Reporting to the Mayor. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee, should immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore.
- B. Confidentiality. The City Council recognizes that confidentiality is important to all parties involved in a harassment, discrimination, and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.
- C. Duty to Maintain Confidentiality of Interview. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of

the interview, except for discussing it with his/her representative. Any individual who discusses the content of an investigative interview in breach of this duty will be subject to appropriate remedial action, including censure and/or removal from appointment.

III. Response to Complaint.

- A. Interim Relief. Upon receipt of a harassment, discrimination, or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.
- B. Investigation.
 - 1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment, discrimination, and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at his/her discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable, and the specialist shall be responsible for completing a report on his/her investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or discrimination or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts or cards.
 - 2. Complaint Against an Appointee: Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.
- C. Investigation of Unreported Potential Violations. The City Council takes a proactive approach to the problem of harassment, discrimination, and retaliation, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if he/she becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or a third party reports a potential violation.

D. Action.

1. City Council Member or Mayor: If the specialist's report concludes that harassment, discrimination, or retaliation in violation of the City Council policy prohibiting harassment, discrimination, and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.
2. Appointee: Upon completion of his/her report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from his/her appointment.

E. Option to Report to Outside Administrative Agencies. Individuals also have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book .

F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people and which have no impact on the workplace.

IV. Individual Responsibilities.

A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:

1. Conduct him or herself consistently with the anti-harassment, anti-discrimination, and anti-retaliation policy as set forth herein; and
2. Report any act which he or she believes in good faith constitutes harassment, discrimination, or retaliation, as defined herein, to the Mayor (or the Mayor Pro Tempore); and
3. Maintain the confidentiality of any investigation conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with his or her representative; and
4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and

5. Be familiar with this policy and modeling behavior that is consistent with it; and
6. Report any potential violations of this policy of which he or she becomes aware.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCILRESOLUTION NO. 84-245 C.S.INTRODUCED BY COUNCIL MEMBER Bradley

ACG

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HAYWARD EXPRESSING ITS
POLICY AGAINST SEXUAL HARASSMENT**

BE IT RESOLVED that the City Council of the City of Hayward adopts the following policy statement against sexual harassment in the City of Hayward workplace.

The City of Hayward is committed to providing a work environment that is free of sexual harassment. In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. Sexual harassment in the workplace or in the conduct of employment or other personnel practices of the City will not be condoned and such conduct on the part of any employee of the City will result in the taking of immediate and appropriate corrective action including disciplinary action if warranted.

This policy applies to all City officers and employees, including management, supervisory, and non-supervisory employees. Furthermore, it prohibits harassment in any form, including verbal, physical, and visual harassment.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where any of the following exists:

- (1) Submission to such conduct is made an explicit or implicit term or condition of employment; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose of or effect of substantially interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to develop procedures for the implementation of this policy, such procedures to include but not be limited to:

- (1) Dissemination of this policy to all employees of the City of Hayward;
- (2) The education of employees as to what constitutes sexual harassment and the kinds of behavior which must be avoided;
- (3) The development of a procedure for the reporting, investigation, and timely resolution of complaints of sexual harassment; and
- (4) The provision of training to all City employees, but most particularly to management and supervisory employees, on the legal considerations and practical consequences of sexual harassment, methods for taking preventative action, and techniques for the investigation and resolution of sexual harassment situations.

IN COUNCIL, HAYWARD, CALIF., August 7th, 1984

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS Jimenez, Bradley, Campbell, Bras, Sweeney, Ward
MAYOR Giuffani

NONES: NONE

ABSENT: NONE

ATTEST:


CITY CLERK OF THE CITY OF HAYWARD, CALIF.

HAYWARD CITY COUNCIL

RESOLUTION NO. 85-059 C.S.

ACG

Introduced by Councilmember WARD

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING AND PROCLAIMING A PROGRAM OF AFFIRMATIVE ACTION IN THE CONDUCT OF CITY EMPLOYMENT AND PERSONNEL PRACTICES

WHEREAS, in order to safeguard rights guaranteed under the Federal and State Constitutions the Congress of the United States of America and the Legislature of the State of California have enacted certain laws to prohibit discrimination against persons on the basis of race, color, national origin or ancestry, religion, sex, age, or handicap and to prohibit sexual harassment in the area of employment; and

WHEREAS, it is the desire of the City Council not only to safeguard these rights and implement the clearly defined purpose of these State and Federal laws, but to adopt policies in the administration of employment and other personnel practices of the City of Hayward to overcome the more subtle effects of discrimination based on race, color, national origin or ancestry, religion, sex, age, or handicap and the effects of sexual harassment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the following statement is hereby adopted as the policy of the City of Hayward in the administration of its employment and other personnel practices and that the City Manager is authorized and directed to carry out this policy.

The City of Hayward is committed to creating an environment which will encourage and bring about mutual understanding and respect among all groups within the City; taking those actions it can to eliminate prejudice and discrimination; and fostering wherever possible equal rights and opportunities for all people so that the negative effects of prejudice and invidious discrimination may be avoided. An essential means of achieving these goals is assuring that the activities of the City of Hayward as an employer are free from employment or personnel practices which discriminate against persons on the basis of race, color, national origin or ancestry, religion, or sex; which constitute unlawful discrimination on the basis of age or handicap; which foster invidious discrimination on the basis of sexual preference, marital status, or responsibility for dependents; and which constitute sexual harassment.

The City Manager shall serve as the Affirmative Action Officer for the City and shall adopt a comprehensive plan, to be known as the Affirmative Action Program of the City of Hayward, to ensure that the employment and personnel practices of the City do not discriminate against any person on the basis of race, color, national origin or ancestry, religion, or sex; which do not constitute unlawful discrimination on the basis of age or handicap; which do not foster invidious discrimination on the basis of sexual preference, marital status, or responsibility for dependents; and which do not constitute sexual harassment. The Affirmative Action Program adopted by the City Manager shall provide for the following:

- (1) Achieving representation of women and minorities at all levels of City employment to the extent of their proportionate availability in appropriate labor markets;
- (2) Formulating goals and establishing timetables for achieving such representation;
- (3) Reporting at least annually to the City Council, City employees, and the public on areas of underrepresentation of women and minorities in City employment and the timetables for eliminating any instances of underrepresentation;
- (4) Taking affirmative action to select qualified women and minority candidates for City employment;
- (5) Intensifying the City's on-going program of classification review to ensure that employment standards are job-related;
- (6) Providing training for all City employees in the intent and content of this policy statement and the Affirmative Action Program; and
- (7) Assuring that all City employees are aware of and comply with the provisions of this policy statement and the Affirmative Action Program.

There is hereby established a twelve-member (12) Affirmative Action Committee comprised of five public members and one each from the Personnel Board and Human Services Commission, all of which are to be appointed by the Mayor and City Council; and five employees to be appointed by the City Manager. The City Manager shall serve as an ex-officio

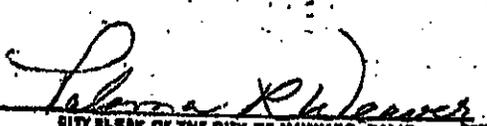
member. The term of the appointment shall be for two years. The initial terms shall be staggered, with four public members and two employee members serving three years and the remaining members serving two years. The Committee shall be responsible for assisting in developing the affirmative action goals and timetables, monitoring program accomplishments, and recommending any needed program improvements.

IN COUNCIL, HAYWARD, CALIF., FEBRUARY 26, 1985

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JIMENEZ, BRADLEY, CAMPBELL, BRAS, SWEENEY, WARD
MAYOR: GIULIANI
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

ATTEST:


CITY CLERK OF THE CITY OF HAYWARD, CALIF.

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-159

Introduced by Council Member Henson

RESOLUTION ADOPTING A POLICY AGAINST
HARASSMENT AND RETALIATION FOR ELECTED AND
APPOINTED CITY OF HAYWARD OFFICIALS

WHEREAS, the Hayward City Council is unequivocally committed to prohibiting harassment in the workplace and to prohibiting retaliation against those who report or oppose harassment; and

WHEREAS, the Hayward City Council has maintained a long standing policy against harassment and retaliation in the workplace as reflected in Resolutions No. 84-245 and No. 85-059; and

WHEREAS, such policy applies to City officers and employees, including management, supervisory and non supervisory employees but not to the appointed members of the City's various boards, commissions, committees and task forces (hereinafter "Appointee"); and

WHEREAS, the Hayward City Council is now desirous of updating its policy against harassment and retaliation and expressly extending such policy to itself and to all Appointees.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the following policy statement against harassment and retaliation and authorizes the application of such policy to itself and to the appointed members of the City's various boards, commissions, committees and task forces.

POLICY AGAINST HARASSMENT AND RETALIATION

The Hayward City Council is committed to prohibiting all forms of harassment in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from his/her appointment.

I. Definitions.

A. Protected Classifications. This policy prohibits harassment because of an individual's actual or perceived protected classification. "Protected classification" includes sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or sexual orientation. "Sexual orientation" includes heterosexuality, homosexuality, bisexuality, and gender identity and expression. Harassment because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or other related conditions.

B. Policy Coverage. This policy prohibits City Council Members and Appointees from harassing applicants, officers, officials, employees, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

C. Harassment. Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.

1. Verbal Harassment: Includes, but is not limited to, epithets, jokes, comments or slurs that identify a person on the basis of his or her protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.

2. Visual Forms of Harassment: Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.

3. Physical Harassment: Includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.

4. Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:

a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.

b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.

c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.

d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

D. Guidelines for Identifying Harassment.

5. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

6. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

7. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

8. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

9. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. The City Council recognizes that it is legitimate for those in protected classifications to have heightened sensitivities to harassment as a result of their life experiences. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).

10. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

11. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager's Office or the City's Human Resources Department.

E. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes taking sides because an individual has reported harassment, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. The following individuals are protected from retaliation: those who make good faith reports that harassment occurred, those who are accused of harassment, and those who associate with an individual who is involved in reporting harassment or participating in a harassment complaint procedure.

II. Complaint Procedure. An individual who believes he or she has been harassed or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.

A. Reporting to the Offending Individual. The City Council strongly encourages any individual who feels that he or she has been harassed in violation of this policy to let the offending person know immediately and firmly that the conduct at issue is unwelcome, offensive, in poor taste, and/or inappropriate and must stop.

B. Reporting to the Mayor. If an individual who has been harassed by a City Council Member or Appointee prefers not to confront the offending person, he or she need not do so. Instead, the City Council strongly encourages that individual to immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore. If the report is to be made in writing, the City Council encourages the individual to use the City's Harassment/Retaliation Complaint Form to make such report; a copy of the form is attached to this policy. The individual should provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses.

C. Confidentiality. The City Council recognizes that confidentiality is important to all parties involved in a harassment and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent consistent with the City Council's legal obligations.

D. Duty to Maintain Confidentiality of Interview. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except for discussing it with his/her representative.

III. Response to Complaint.

A. Interim Relief. Upon receipt of a harassment or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.

B. Investigation.

1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at his/her discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable; and the specialist shall be responsible for completing a report on his/her investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts or cards.

2. Complaint Against an Appointee: Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.

C. Investigation of Unreported Potential Violations. The City Council takes a proactive approach to the problem of harassment, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if he/she becomes aware that harassment may be occurring, regardless of whether the recipient or a third party reports a potential violation.

D. Action.

1. City Council Member or Mayor: If the specialist's report concludes that harassment or retaliation in violation of the City Council policy against harassment and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.

2. Appointee: Upon completion of his/her report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from his/her appointment.

E. Option to Report to Outside Administrative Agencies. Individuals also have the option to report harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book .

F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people.

IV. Individual Responsibilities.

A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:

1. Conduct him or herself consistently with the anti-harassment and anti-retaliation policy as set forth herein; and

2. Report any act which he or she believes in good faith constitutes harassment as defined herein to the Mayor (or the Mayor Pro Tempore); and

3. Maintain the confidentiality of any investigation conducted by the Mayor or his/her specialist pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with his or her representative; and

4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and

5. Be familiar with this policy and modeling behavior that is consistent with it; and

6. Report any potential violations of this policy of which he or she becomes aware.

IN COUNCIL, HAYWARD, CALIFORNIA October 19, 2010

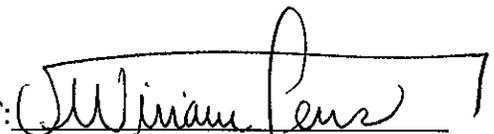
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Halliday, Peixoto, Salinas, Henson
MAYOR: Sweeney

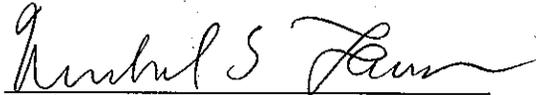
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Quirk

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward



DATE: November 18, 2014
TO: Mayor and City Council
FROM: Director of Utilities & Environmental Services
SUBJECT: Mission Aqueduct Seismic Improvements Project: Approval of Plans and Specifications, and Call for Bids

RECOMMENDATION

That the City Council (1) adopts the attached resolution approving the plans and specifications for the Mission Aqueduct Seismic Improvement Project and calling for bids to be received on December 16, 2014; and (2) authorizes the City Manager to execute a sole source purchase of Kubota Earthquake Resistant Ductile Iron Pipe and Fittings in an amount not to exceed \$220,000.

BACKGROUND

The City of Hayward has two aqueducts that deliver water from the San Francisco Public Utilities Commission's (SFPUC) Hetch Hetchy Bay Division Pipelines: a 24-inch aqueduct constructed in 1948 that extends from the SFPUC turnout on Mission Boulevard near Callery Court in Fremont to the City's Decoto Booster Pump Station located in Union City and continues north on Mission Boulevard to the Walpert Street Reservoirs; and a 42-inch aqueduct constructed in 1963 that extends from the SFPUC turnout on Hickory Street near Thornton Avenue in Newark to the City's Hesperian Booster Pump Station. Both aqueducts were constructed of mortar lined and coated bar wrapped steel cylinder pipe (BWCP) and are considered essential facilities of the City's water system.

The Mission 24-inch Aqueduct crosses the Hayward Fault in the area of Mission Boulevard and Nursery Avenue in the Niles District of Fremont. In this location, the Hayward Fault has a creep rate of one to two inches every ten years. As a result of this creep, welded joints of the 24-inch pipeline have failed and separated five times since the pipeline was constructed. The most recent event occurred in early January of 2012 and resulted in the disruption of water service to the City through this smaller aqueduct for over two weeks. Given the importance of this transmission aqueduct, its age, and frequent failures, there is a need to replace the pipe with a new pipe which is specifically designed for improved performance in seismic events.

In 2012, staff selected and contracted with a consultant to analyze and design a seismically resistant replacement pipe where the Mission 24-inch Aqueduct crosses the Hayward Fault such that the pipeline had a high probability to remain operational after a major earthquake and accommodate twenty inches of fault creep over fifty years. The consultant's initial design recommended approximately 2,500 feet of 24-inch welded steel pipe, roughly parallel to the existing alignment of

the 24-inch pipeline, at a depth of fifteen to twenty feet to avoid numerous utility crossing conflicts, with special backfill and pipe wrapping, at an estimated construction cost of \$3,550,000.

In conjunction with the consultant's design work, the City applied to the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) in October of 2012 for \$3,000,000 in grant funds for the project. In June of 2013, staff was notified by CalEMA (the agency that administers FEMA grant programs in California) that the project scored relatively high (80.33 out of a maximum of 90 points possible for pipeline replacements) such that it was ranked first out of five earthquake retrofit projects deemed eligible for HMGP funds in Alameda County, and thirteenth among all eligible earthquake retrofit projects in California. However, staff was advised that any new project in California proposing to seismically retrofit a building that has a large occupancy would probably score higher than Hayward's pipeline project. In addition, staff was also informed that it was unknown when or if any new HMGP funds would be available for projects as the currently budgeted funds had been diverted to Hurricane Sandy and other storm-related major disasters.

Given the low probability of \$3,000,000 in HMGP grant funding to offset the estimated high project cost, staff determined that the project was economically unfeasible in its current configuration and decided to re-design the project and find a less expensive alternative while maintaining the original design goals.

DISCUSSION

In late 2012, staff became aware of an earthquake resistant ductile iron pipe (ERDIP) made by Kubota Corporation of Japan that has not failed or leaked due to earthquakes or tsunamis in forty years of use, including in Japan's Magnitude 7.2 Kobe earthquake in 1995 and Magnitude 9.0 Tohoku earthquake and resulting tsunami in 2011. Kubota pipe is manufactured in Funabashi, Japan, Hayward's sister city.

In addition to over 33,000 miles installed in Japan, Kubota's ERDIP has been used in the Middle East and Asia since the 1980s. Its use in the United States began only a few years ago starting with the Los Angeles Department of Water & Power (LADWP) on a pilot project in early 2013 (1,700 feet of 8-inch ERDIP), 6,500 feet in 2014, with more planned for 2015. The City of Menlo Park recently awarded a project to install 3,000 feet of 8-inch and 6-inch pipe in early 2015; and the SFPUC is planning two projects in early 2015 to install 2,800 feet of 8-inch pipe and 3,200 feet of 20-inch pipe at two locations in the city.

Staff researched and evaluated Kubota's ERDIP versus an alternative, US Pipe's TR-FLEX® DIP, and attended presentations by both manufacturers. While both companies utilize a patented flexible joint system that allows the assembled pipes to bend, stretch, contract and resist pullout, Kubota's ERDIP has better specifications, and is expected to perform better than the US Pipe DIP, in joint pullout resistance, deflection, and expansion and contraction.

In the evaluation of using alternative pipe materials for strengthening the City's aqueduct where it crosses the Hayward Fault, staff determined that by using DIP with restrained flexible joints, the new pipeline could be less than half the length and installed at a shallower depth than the previously recommended design, which significantly reduces the construction cost. The cost of US Pipe's DIP is roughly eight percent lower than the cost of Kubota's ERDIP; however, the price difference on this project would be less due to the need to add several special telescoping fittings in vaults to accommodate the continual fault movement (or creep). Staff found that the Kubota ERDIP has superior strength and flexibility, successful earthquake resistant performance history, and deemed the extra cost warranted given the criticality of the Mission Aqueduct and its failure history.

Staff reviewed the bids submitted for the City of Menlo Park project mentioned previously. For the ERDIP, Menlo Park elected to have the contractor purchase the pipe from Kubota rather than purchasing the pipe in advance as a sole source product, as LADWP and SFPUC had previously done, and as a result, the unit prices for the ERDIP submitted in the bids varied significantly. In order to control costs and product delivery schedule, staff recommends that the City purchase the ERDIP directly from Kubota as a sole source product.

The installation of the new 24-inch ERDIP across the Hayward Fault and associated improvements will significantly improve the seismic resistance and reliability. The work for this project will consist of, in general, constructing approximately 800 feet of new 24-inch water main and bypass vaults in Mission Boulevard at Nursery Avenue in Fremont. The new 24-inch water main will include of 660 feet of 24-inch ERDIP centered on the Hayward Fault and 130 feet of 24-inch welded steel pipe connecting the ERDIP to the existing 24-inch pipeline. The project also includes the installation of new valves, fittings, bypass system, traffic control, and restoration of the roadway.

The work in Mission Blvd will be performed under a Caltrans Encroachment Permit and will be scheduled during off peak commute hours to minimize impact to traffic and businesses.

ENVIRONMENTAL REVIEW

The utility improvement work described above is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities, which consists of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

| | |
|--|--------------------|
| Seismic Study, Analyses and Design by Consultant | 132,000 |
| Re-design and Construction Administration – City Staff | 50,000 |
| Construction Contract | 730,000 |
| Earthquake Resistant Ductile Pipe | 220,000 |
| Inspection and Testing | 50,000 |
| Total | <u>\$1,182,000</u> |

The total construction cost is estimated to be \$950,000. The FY 2014-15 Capital Improvement Program (CIP) includes \$750,000 appropriated for the Mission Aqueduct Seismic Improvements Project in the Water System Improvement Fund. After bids are received, and prior to award, a request will be submitted to Council to appropriate additional funds from the Water System Improvement Fund. An adequate balance is available in the Fund to cover the anticipated additional cost.

PUBLIC CONTACT

Prior to and during construction, staff will coordinate with the City of Fremont and provide notices to affected residents and property and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule, and City contact for additional information. The temporary shutdown of the existing 24-inch Mission Aqueduct to accommodate project improvements will not result in any service interruption to Hayward water customers.

SCHEDULE

| | |
|--------------------------|-------------------|
| Order Kubota 24” ERDIP | November 19, 2014 |
| Open Bids | December 16, 2014 |
| Award Contract | January 13, 2015 |
| Receive Kubota 24” ERDIP | March 2015 |
| Begin Work | April 2015 |
| Complete Work | October 2015 |

Prepared by: Rod Schurman, P.E., Associate Civil Engineer

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE MISSION AQUEDUCT SEISMIC IMPROVEMENTS PROJECT, PROJECT NO. 07122, AND CALL FOR BIDS

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, those certain plans and specifications for the Mission Aqueduct Seismic Improvements, Project No. 07122, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law;

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, December 16, 2014, and immediately thereafter publicly opened and declared by the City Clerk in Conference Room 4D, City Hall, Hayward, California.

NOW, THEREFORE, BE ITRESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is authorized and directed to proceed with a sole source purchase of 24-inch Earthquake Resistant Ductile Iron Pipe (ERDIP) and components from Kubota Corporation of Japan, in an amount not to exceed \$220,000.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

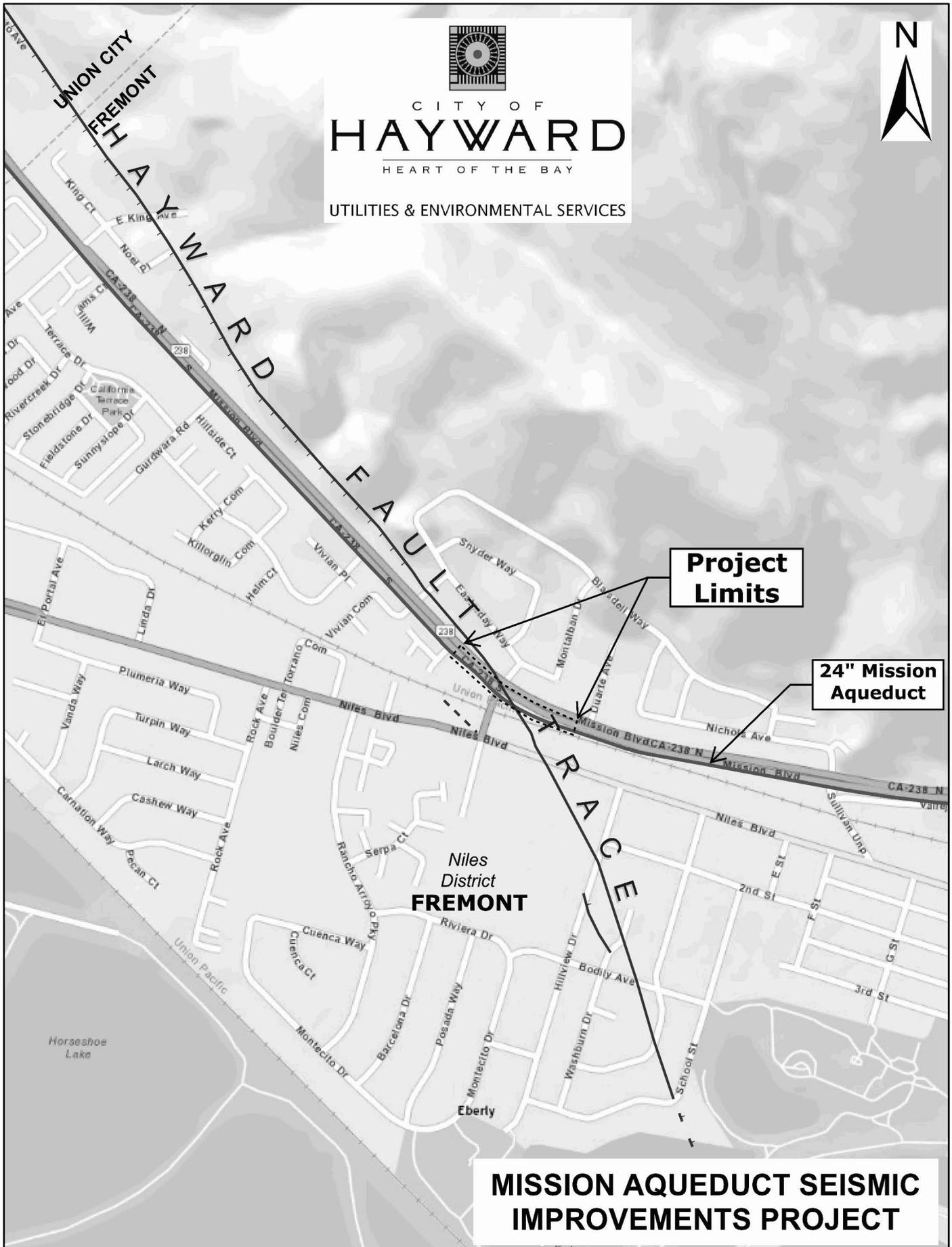
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



DATE: November 18, 2014

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Utility Service Agreement (USA 14-01) – Rajneesh Salwan (Owner) – Adoption of a Resolution approving a Request for Sewer Service for a Property at 344-346 Smalley Avenue of Unincorporated Alameda County and Authorizing the City Manager to File an Application with the Alameda County Local Agency Formation Commission for Approval of an Out-of-Service Area Agreement and to Execute Utility Service and Public Street Improvement Agreements

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I).

DISCUSSION

The property owner had submitted a Tentative Parcel Map 8971 application and received approval from the Alameda County Planning Director on June 2, 2006. The application was to subdivide one parcel into three parcels (County Zoning R-S-D-20-DV), located at 344-346 Smalley Avenue, approximately 250 feet west of Princeton Street in unincorporated Alameda County. The property is located within the City of Hayward's Sphere of Influence (City's SOI) and Sewer Service Area (Attachment II). The City's 8-inch sewer main in Smalley Avenue, which was first installed in the 1930s and later replaced in 2001, has capacity to accept additional sewer discharges from properties along Smalley Avenue and the nearby neighborhood.

Long-standing City policy allows parcels located in particular areas of the unincorporated portion of the County to connect to the City sewer system where parcels are within the City's SOI and the properties are outside of Oro Loma Sanitary District's service area. The particular streets covered under the City policy include properties on Smalley Avenue, Laurel Avenue, Poplar Avenue, Sunset Boulevard, Meekland Avenue, and Princeton Street. This parcel already has City sewer service and has been served with the service since 1950. This request is for service to the additional units created under the approved Tentative Parcel Map 8971. Furthermore, State law requires that a city file a resolution application to the applicable Local Agency Formation Commission (LAFCo) for approval of an out-of-area service agreement prior to providing utility connections/service by that city for properties located within its Sphere of Influence, but outside its jurisdictional boundaries.

Pursuant to the City policy, the owner has signed a Public Street Improvement Agreement committing to improve Smalley Avenue to meet City's standards at a future date and agreeing to a future annexation of the property, if and when requested by the City. Requiring such an agreement is consistent with past practice for providing utility services to properties outside City of Hayward's jurisdictional boundaries, but within the boundaries of the City's SOI and Sewer Service Area.

Approval of a utility service agreement and related connection is not subject to environmental review, pursuant to Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines. Section 15061(b) (3) states that a project is exempt from CEQA if, "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

FISCAL IMPACT

There will be no fiscal impact to the City's General Fund. The owners will pay all costs for processing applications and reports and also pay into the City's Enterprise Fund for all the expenditures, added maintenance costs, and applicable fees associated with the sewer service, in accordance with the City's fee schedule in effect at the time of issuance of the utility permits.

PUBLIC CONTACT

Public notification and hearing is not required for the filing of a utility service agreement. Staff did provide a copy of this report to the owner.

NEXT STEPS

Should the Council authorize filing an application with LAFCo, staff will submit an application within the next 30 days so that this utility service agreement can be presented at LAFCo's January 15, 2015 hearing. Upon receiving LAFCo approval, the agreement will be executed and the property owner can commence the sewer connection upon paying the applicable sewer fees.

Prepared by: John Nguyen, P.E., Development Review Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution; Attachment II Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member _____

RESOLUTION APPROVING A REQUEST FOR SEWER SERVICE AND AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE ALAMEDA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR APPROVAL OF AN OUT-OF-SERVICE AREA AGREEMENT AND TO EXECUTE UTILITY SERVICE AND PUBLIC STREET IMPROVEMENT AGREEMENTS FOR A PROPERTY AT 344-346 SMALLEY AVENUE

WHEREAS, sanitary sewer service from the City of Hayward has been requested by the owner of the property located at 344-346 Smalley Avenue, Assessor's Parcel No. 431-0012-0022 (the Property); and

WHEREAS, the Property is located within the City of Hayward's Sphere of Influence, but not within the City limits; and

WHEREAS, pursuant to City policy, the Property owner has signed Public Street Improvement and Utility Service Agreements to install street improvements across the Property frontage at a future date and to agree to annexation of the Property into Hayward when requested by City; and

WHEREAS, the City is required to apply to the Alameda County Local Agency Formation Commission (LAFCo) for approval of out-of-service area agreements to allow the City of Hayward to provide sewer service to properties located outside the City limits; and

WHEREAS, the Property owner has agreed to pay the LAFCo application processing costs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to file an application with the Alameda County Local Agency Formation Commission requesting that the City of Hayward be allowed to provide sewer service for the Property.

BE IT FURTHER RESOLVED that provided LAFCo approves an out-of-area service agreement pursuant to Government Code §56133, the City Manager is also authorized to execute a utility service agreement (Utility Service Agreement 14-01) and a public street improvement agreement with the Property owner in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

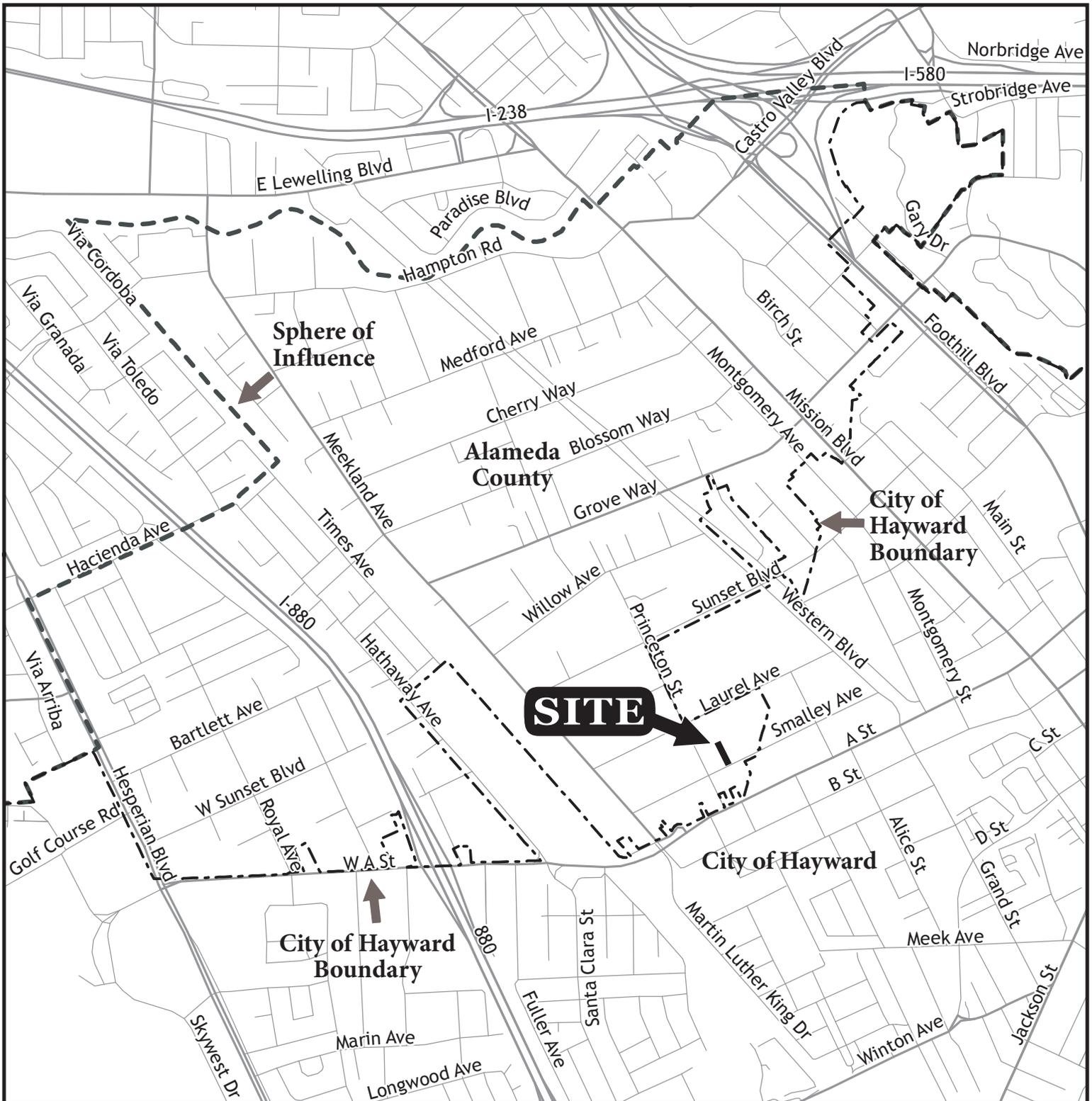
ABSENT: COUNCIL MEMBERS:

ATTEST:

Miriam Lens, City Clerk

APPROVED AS TO FORM:

Michael Lawson, City Attorney



Project Location Map

PL-2014-0396 USA 14-01
346 Smalley Ave

Mile 0

0.5



DATE: November 18, 2014

TO: Mayor and City Council

FROM: Information Technology Director

SUBJECT: Authorization to Negotiate and Execute an Agreement with Definitive Networks for Support of InMotion Gateway Wireless Routers

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute an agreement with Definitive Networks for support of InMotion Gateway wireless routers in an amount not to exceed \$102,000 with a contract end date of November 30, 2015, with the option to extend for one or two years at the same terms.

BACKGROUND

In December 2009, Council approved and the City signed a contract with New World Systems for the acquisition and implementation of its Aegis Computer Aided Dispatch/Records Management System (CAD/RMS). This system replaced an existing system that was purchased in 1989. Project kickoff occurred in March 2010 with an implementation team consisting of staff members from the Police, Fire and Information Technology departments. Following a nearly two-year implementation effort, the new system went live on January 10, 2012.

The new system also replaced the legacy Police and Fire mobile clients running on computer hardware installed in Police and Fire vehicles. In both systems, dispatch information is sent from the central CAD server to the mobile client over the public carrier cellular data network in much the same manner as a smartphone might receive email.

DISCUSSION

Mobile client reliability issues were experienced early on that were not experienced in testing without the daily load of a live production system and were unforeseen. Despite the application of updates to its software version 9.2 provided by New World in May and July 2012, and the implementation of the version 10.2 release in July 2014, only incremental improvements have been seen to Fire mobile connectivity. System failures have persisted for almost three years in spite of diligent efforts on the part of the Information Technology and Fire Departments. As a result, there are frequent inaccuracies in navigation to emergency response locations, delayed updates to the most recent and active emergency call, and inconsistent notification delivery to Command staff.

This has a direct impact on the safety of Fire Department personnel, as well as the Hayward residents experiencing crisis situations.

At the same time, a parallel project to replace the existing mobile data computer (MDC) hardware in public safety vehicles with new technology and faster 4G wireless data speeds to increase mobile client performance was underway. For Fire vehicles, existing Panasonic Toughbook computers were upgraded to the latest CF31 model. Rather than continuing with internal (3G) modems, external single-carrier 4G wireless routers were installed.

Connectivity problems were also experienced early on, and despite the application of several firmware updates to the 4G wireless routers and an upgrade to the City's Netmotion servers (which maintain the connection between the wireless router and computer with the City's secure network), only incremental improvements have been seen.

Therefore, in May 2014, the City contracted with Definitive Networks Inc. (DNI), an experienced network engineering firm that specializes in providing IT services and connectivity for fire agencies such as Alameda County Fire, to perform a network engineering assessment, identify options, and make recommendations. As part of the assessment process, network and router configuration problems were identified and corrected, but again only incremental improvements were seen. Therefore, the decision was made to test an alternate wireless router called an InMotion Gateway that utilizes two cellular network cards. In this way, cellular provider coverage area weaknesses can be overcome by the device automatically switching to the alternate carrier. A new test wireless router was installed in a fire engine, and during the test period, it was determined that when the fire engine with the test router was enroute to a call, the router switched from the primary to the alternate carrier 14% of the time on average.

Based in part on these results, and in part on the successful use of these routers in neighboring agencies, the recommendation has been made to install these new routers in all fire apparatus, and the City Manager has authorized the purchase and installation of this equipment at a cost of \$97,100.

The issues outlined above were presented to the Council Technology Application Committee at a special meeting held on October 15, 2014. Various maintenance and support options were also presented and discussed by the committee. Based on an analysis of these options and input provided during the meeting, staff is recommending that a combination of in-house technical staff and expert vendor support of the InMotion Gateways be utilized going forward.

The initial term of the support agreement will be one year, with an option to renew for one or two years at the same terms. In order to build capacity of in-house staff to maintain and troubleshoot this equipment, the support agreement also includes informal staff training performed during the course of working cooperatively with support to resolve issues. Under this arrangement, city staff technicians will remain the primary point of contact and will continue to maintain and troubleshoot equipment. When a more complex issue arises with an InMotion Gateway, the support vendor will be contacted for assistance with further troubleshooting and issue resolution.

Staff is recommending utilizing DNI as an expert resource for ongoing maintenance, support and performance monitoring. DNI is an authorized reseller for InMotion equipment, and has extensive experience in providing technology support to other fire departments within the East Bay area, where they have designed and developed similar systems currently in use. Given the extended amount of time that the City has invested to resolve the technology problems in-house, staff is recommending using this expert local vendor that is providing proven solutions to similar agencies to oversee installation, support and performance monitoring of the new InMotion gateways. This is in addition to monitoring that would also continue to be done by city staff on the CAD/RMS system performance.

FISCAL IMPACT

The CAD/RMS project had an approved budget of \$3.6 million. To date, the City has expended \$3.4 million, with the remaining balance due New World held until all remaining issues are addressed and final acceptance of the New World system is made by Police and Fire.

The cost of the one-year agreement with Definitive Networks Inc. for maintenance, support and performance monitoring of the new routers is \$101,400. This agreement can be renewed for one or two years at the same terms. The cost to purchase the InMotion Gateways is \$81,100, and the estimated one-time installation costs for all InMotion units totals \$16,000. The Public Safety Mobile Replacement project budget, which funds ongoing replacement mobile technology needs, has appropriated budget for these costs for FY 2015. Funding for the annual cost of the support agreement in subsequent years will need to be included in the CIP or Information Technology Internal Service Fund budgets.

NEXT STEPS

Due to the urgency and time sensitivity of resolving these issues, DNI agreed to install the dual carrier InMotion routers in two additional fire engines. Those routers were installed during the week of October 20 and have been performing very well. The remaining routers are expected to be delivered by November 25, 2014, and after testing by DNI engineers, installation in fire apparatus will begin.

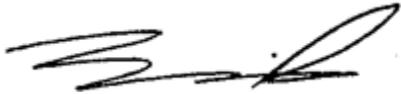
Information Technology Department staff installed and configured network monitoring software to monitor network traffic from the central CAD server, through the network routers, switches and firewalls, out to the MDCs. Any further server or network infrastructure issues discovered will be corrected immediately. IT staff continue to work diligently with New World support engineers to analyze and resolve remaining mobile client software issues.

Should the combined efforts described above fail to result in a mobile client system that meets the reliability requirement of 97% uptime, data from network monitoring would be used to determine if the problem was related to continued connectivity issues. In the event that it is for one or more units, IT staff would work with DNI engineers to evaluate whether mobile satellite connectivity technology, which is more expensive to implement than the recommended InMotion routers, is a feasible solution.

If connectivity issues are ruled out, staff is working on evaluating the capabilities and feasibility of implementing an alternate third party fire mobile client that is currently in use by another agency utilizing the New World CAD system.

Recommended by: Mark Guenther, Information Technology Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member

RESOLUTION AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND EXECUTE AN AGREEMENT WITH
DEFINITIVE NETWORKS INC. FOR SUPPORT OF IN MOTION
GATEWAY WIRELESS ROUTERS

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with Definitive Networks Inc. for support of In Motion Gateway Wireless Routers, in an amount not to exceed \$102,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: November 18, 2014

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: I-880/SR-92 Reliever Route – Phase 1 Project: Approval of Plans and Specifications and Call for Bids and Authorization for the City Manager to Execute an Amendment to the Existing Professional Services Agreement with Kimley-Horn and Associates, Inc.

RECOMMENDATION

That Council adopts the attached resolutions (Attachments I and II):

1. Approving the plans and specifications for the I-880/SR-92 Reliever Route – Phase 1 project and calls for bids to be received on January 6, 2015; and
2. Authorizing the City Manager to execute an amendment to the existing professional services agreement with Kimley-Horn and Associates, Inc., for an increase of \$835,000 to cover additional design, right-of-way, and construction support services.

BACKGROUND

The I-880/SR-92 Reliever Route – Phase 1 project will provide for better access to and from the industrial area located north of State Route 92 (SR-92) and west of Interstate 880 (I-880). The project will also help relieve the congestion on I-880, SR-92 and several major arterials, such as West Winton Avenue, Clawiter Road, Depot Road, Hesperian Boulevard, and Industrial Boulevard.¹

On March 22, 2011, Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program, and approved the project. On July 12, 2011, Council authorized the City Manager to negotiate and execute a professional services agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) for final design and right-of-way acquisition

¹ Phase 2, which is to be constructed as a separate project in the future, will provide a new combined interchange at SR-92 at Whitesell Street and Clawiter Road that will proceed when additional funding becomes available.

services in an amount not to exceed \$2,175,000. On July 31, 2013, Council approved multiple resolutions of necessity declaring a public need for and authorizing the acquisition and immediate possession by eminent domain proceedings for portions of real property for the project.

DISCUSSION

Project Plans and Specifications: The project consists of extending and widening Whitesell Street from Depot Road to Breakwater Avenue, installing intersection improvements at Hesperian Boulevard and Winton Avenue, and modifying traffic signals at Hesperian Boulevard/Middle Lane. In addition, along the Whitesell Street segment, the project includes pedestrian and bicycle improvements, lighting and landscaping enhancements, and installation of new underground utilities, which include fiber optic conduit, for future use. Two add alternatives have been included in the project plans, which may or may not be done as part of the project. Depending upon available funding, the project will include intersection improvements at Clawiter Road and SR-92 eastbound and westbound ramps. Also, non-potable water mains will be added to the project and installed in Whitesell, north and south of the Treatment Plant. These two add alternative work items are being bid as optional work.

Kimley-Horn has completed the plans and specifications, and provided an updated cost estimate for the project. Because of the Alameda County Transportation Commission (Alameda CTC) local and small business participation goals, staff has conducted special outreach efforts by sending out advance notice to major construction contractors to ensure they are aware of this project. The project is also listed on Alameda CTC's website.

The landscaping components of the project comply with the City's Civic Bay-Friendly Landscape Ordinance and Bay-Friendly Water Efficient Landscape Ordinances, and have been found to exceed the requirements for Bay Friendly certification. Landscape installed in the median and landscaping strip in the sidewalk area will incorporate sustainable or "green" landscaping measures and materials to reduce waste and pollution, conserve natural resources, and create vibrant landscapes. Bay-Friendly educational signs will also be installed along Whitesell Street to educate the public on Bay-Friendly principles and benefits.

The Alameda County Source Reduction and Recycling Board will fund the services of an independent Bay-Friendly rater and advisor with a grant to cover technical assistance and incentives which are provided to projects that meet or exceed the standards of the Bay-Friendly scorecard for new civic, commercial, and multifamily landscapes in Alameda County.

One of the main highlights of the project is a bioretention area featured in the landscaping strip, with storm drain inlets located behind the curb face and with curb cuts to allow pavement runoff into the bioretention area. A bioretention area is a swale that retains and treats pavement runoff as it percolates through landscaping and filtering material before going underground. Due to the large size of the project and because it disturbs over 10,000 square feet of area, the bioretention area for stormwater management is necessary. The bioretention design meets the Alameda County Cleanwater Program and the Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) permit goals of minimizing impervious area, reducing

direct connections between impervious surfaces and the storm drain system, minimizing natural systems, and reducing runoff and the amount of pollutants in stormwater and receiving waters. The new Whitesell Street improvements extend through the City's Water Pollution Control Facility (WPCF). As part of the mitigation, several improvements will be constructed at the WPCF including significant piping and associated fixtures and increased safety and security features such as a security system with cameras, wrought iron fencing with mechanically operated driveway gates, pedestrian access gates, a pedestrian crosswalk, and a flashing beacon system.

Other environmentally friendly features of the project include planting trees and installation of landscaping in the sidewalk and median areas. In addition, the project will install LED light fixtures which will provide significantly more light with much less energy consumption. The project will be sequenced appropriately to minimize the length of time construction will occur along any portion of the project segments. Actual phasing of the construction will be coordinated with the Contractor to determine how best to provide the maximum schedule benefit and to minimize disruption and inconvenience to Hayward residents, businesses, and City facilities.

Pursuant to Alameda CTC's Local Business Contract Equity Program (LBCE Program), a 60% Local Business Enterprise (LBE) goal and a 20% Small Local Business Enterprise (SLBE) goal will apply to the construction contract. LBE is an Alameda County business that has a fixed business location in Alameda County.

As discussed in the previous report to Council dated October 14, 2014, this will be the first project where the Administrative Change Order (ACO) or contingency budget will not be disclosed to the contractor as an itemized amount on the bid sheet.

Right of Way Acquisition and Relocation Assistance: The project, as approved, requires the partial acquisition of eleven parcels. To date, three parcels have been acquired by the City. The remaining eight parcels to be acquired are owned by seven property owners and are being acquired through eminent domain. The City has reached a settlement agreement with one of the eight parcels. Resolutions 13-137 to 13-143 authorized and directed the City Attorney to take any and all lawful actions, which are convenient or necessary, to acquire immediate possession of, and title to the properties by eminent domain proceedings or otherwise for right-of-way purposes.

The Alameda County Superior Court has granted the City pre-judgment possession of all eight parcels, but the properties have not yet been vacated due to good faith efforts and continuing settlement negotiations between the City and the property owners. Staff is committed to continuing to work with property owners towards fair and reasonable negotiated agreements.

The City has negotiated relocation settlements with two of the four business tenants leasing property acquired for this project. Staff is continuing on-going negotiations with the two remaining business tenants, as well as two owner-occupied businesses, to reach settlements for relocation assistance. Acquisition of rights-of-entry (ROE) for conforms and utility work is on schedule to be completed before award of the construction contract. Staff is obtaining

encroachment permits from Caltrans and the Alameda County Flood Control and Water Conservation District as well as a variance from Union Pacific Railroad (UPRR).

Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc.:

On July 12, 2011, Council authorized the City Manager to execute a Professional Services Agreement with Kimley-Horn for final design and right-of-way acquisition services for the project in an amount not to exceed \$2,175,000. Due to the complexity of the design and right-of-way acquisition for this project, including additional design work resulting from the right-of-way acquisition negotiations with property owners, additional resources not included in the original professional services agreement are needed. Construction support services will also be needed from the consultant during construction. Therefore, staff is requesting an amendment to the agreement with Kimley-Horn for additional design and right-of-way services in the amount of \$540,000, and construction support services in the amount of \$295,000 for an additional total not-to-exceed amount of \$835,000. This will increase the contract work with Kimley-Horn from \$2,175,000 to \$3,010,000. This is approximately 11% of the total project cost, which is appropriate for a project of this type and magnitude.

While the project’s construction management will be undertaken by City staff, it will be with support from Kimley-Horn. The City will have engineering and inspection staff on-site during construction. Additionally, Kimley-Horn will provide engineering support and specialty sub-consultant services to support contract management needs and to ensure timely responses to Contractor requests for information.

FISCAL AND ECONOMIC IMPACT

The estimated project costs, including are as follows:

| Description | Estimated Cost |
|---|----------------------|
| Preliminary Engineering & Environmental Review | \$920,000 |
| Right-of-Way Acquisition | 8,930,000 |
| Legal Support Services | 900,000 |
| Consultant Design & Right of Way Support | 3,010,000 |
| Construction | 11,960,000 |
| Construction Contingencies | 940,000 |
| Staff Support Services (Design, R/W, and Construction Support) | 1,160,000 |
| Specialty, Testing, and Outside Support Services | 580,000 |
| TOTAL | \$ 28,400,000 |

As discussed in previous sections, two Add Alternative construction work items are included in the project plans. These Add Alternatives, which are estimated to total \$1,667,000, are not included in the above project cost estimates. These items will be pursued only if the bids received are favorable and additional funds are available to include them in the project. Due to the ongoing property purchase negotiations and legal matters associated with the Eminent Domain process, the estimates for right-of-way acquisition and legal support services are only preliminary. After the bid opening, and when more current cost estimates are known, staff will update the project cost estimate accordingly and present it to the Council for approval at the award of construction contract.

Project Revenues: A total of \$27,037,000 of Measure B funds are dedicated for this project. Additionally, City funds of \$475,000 are allocated to complete this project in the Street System Improvements Fund of the Capital Improvement Program (CIP).

Therefore, the adopted FY 2015 CIP includes a total of \$27,512,000 for the project. After bids are received and a better estimate for the project cost is determined, an additional appropriation from the Street System Improvements Fund may be requested.

PUBLIC CONTACT

On February 17, 2011, a public information meeting was held at Ochoa Middle School to discuss the environmental documents for the project. On March 22, 2011, Council held a Public Hearing for approval of the project and adoption of the environmental documents. Staff mailed public notices to approximately 1,300 property owners within the vicinity of the project. Staff has continued to meet with and respond to questions from affected property and business owners impacted by the project. On July 31, 2013, Council held a Public Hearing for approval of multiple resolutions of necessity declaring a public need for and authorizing the acquisition and immediate possession by eminent domain proceedings for portions of real property for the project. The City's right-of-way consultant has continued on-going settlement negotiations and relocation assistance efforts with the affected tenants. The City's outside legal counsel continues settlement negotiations and judicial actions with the attorneys of affected property owners and tenants.

Once the construction work has been scheduled, a detailed notice indicating the date and time of work for each segment of the project will be distributed to all affected residents and businesses.

Staff expects the public information process will be ongoing and, as such, will continue to meet with affected property owners and those potentially impacted by the project.

COMPLETE STREETS

The project considers all users of the public right-of-way in addition to motorists. Existing transit facilities, bicycle facilities, sidewalk, and street lighting will be maintained. The project will provide new facilities such as concrete sidewalks, LED traffic and pedestrian signals, and LED street lights along the road. Bike lanes and related signs are also provided. Other design features include landscaping and trees planted along the roadside and landscaped median and bioretention areas. Accessible ramps are installed at intersections, and are designed in

compliance with the latest ADA standards. Enhanced pedestrian safety features such as ladder crosswalks and yellow-flashing LED beacons will be installed. These measures are consistent with the City's recently adopted Complete Streets Policy, where consideration is to be given to all users of the street, in addition to vehicular traffic.

SCHEDULE

The estimated schedule is shown below:

| | |
|-----------------------------|------------------|
| Open Bids | January 6, 2015 |
| Award Construction Contract | February 3, 2015 |
| Begin Construction | March 2015 |
| Complete Construction | Fall 2016 |

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – Approval of Plans and Specs and Call for Bids
- Attachment II: Resolution – Authorization for City Manager to Execute an Amendment to the existing Professional Services Agreement with Kimley-Horn and Associates, Inc.
- Attachment III: Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE I-880/SR-92 RELIEVER ROUTE – PHASE 1 PROJECT, PROJECT NO. 05197, AND CALL FOR BIDS

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, those certain plans and specifications for the I-880/SR-92 Reliever Route – Phase 1 Project, Project No. 05197, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk’s office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, January 6, 2015, and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room, 4D, located on the 4th Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL SERVICES ASSOCIATED WITH THE DESIGN OF THE I-880/SR-92 RELIEVER ROUTE – PHASE 1 PROJECT, PROJECT NO. 05197

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of Hayward, an amendment to the agreement with Kimley-Horn and Associates, Inc. for additional design and right-of-way support services, as well as construction management support services associated with the I-880/SR-92 Reliever Route - Phase 1 Project, Project No. 05197, in an amount not-to-exceed \$835,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Interstate 880 / State Route 92 Reliever Route

DATE: November 18, 2014

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Cannery Area Regional Transit Alternative Study – Authorization to Accept Federal Transportation Planning Grant, Authorizing the City Manager to Execute the Agreement, and Appropriation of Funds

RECOMMENDATION

That Council adopts the attached resolutions:

1. Accepting the grant award of \$132,795 from the California Department of Transportation (Caltrans) for the Cannery Area Regional Transit Alternative Study;
2. Authorizing the City Manager to execute an agreement with Caltrans to undertake the Study; and
3. Appropriating \$149,000 for this project in the Street System Improvements Fund.

BACKGROUND

The redevelopment of Cannery Area added approximately 502 condominiums, 191 townhomes, 16 duplexes, a new elementary school, and an expanded Cannery Park. This project, designated as a Transit Oriented Development (TOD), is close to BART, AC Transit, and AMTRAK stations. While the distance from the Cannery Area to the transit stations and Downtown is relatively walkable, many residents continue to use their own vehicles in the absence of viable transportation alternatives that accommodate time and schedule constraints. Due to a lack of transit connectivity in Cannery Area, low rates of commuters are taking advantage of Hayward's existing transit infrastructure.

In response to these concerns, City staff applied for and was successful in receiving a Caltrans planning grant to conduct the Cannery Area Regional Transit Alternative Study. The study will look at the potential for shuttle services to supplement the existing public transit service in Hayward, and to fill in any service gaps in order to address unmet transit needs.

DISCUSSION

The proposed project will assess the feasibility of implementing a transit connector service in and around the Cannery Park area. The City plans to hire a consultant to complete the scope of work as outlined in the grant application. The scope includes three main parts:

- 1) Assessing the demand for shuttle service, including the level of ridership that could be expected and resident attitudes toward the proposed service and potential fare scenarios. This will be accomplished through outreach to residents, residential surveys, and transit modeling.
- 2) Examining existing transit facilities and services in the area, including how to augment these facilities and strengthen their role in the community.
- 3) Using the information gathered to develop operational alternatives, including service configurations as well as financial and institutional alternatives such as oversight, administration and funding of a potential service if it is shown to be feasible.

The final report will recommend feasible alternative(s) and provide an implementation process and timeline. To maintain consistency in approach and efficient use of resources, one consultant will be selected to complete the Cannery Area Regional Transit Alternative Study and the Transit Connector Feasibility Study (Industrial Area), which is part of a Caltrans grant received in September 2013.

The next step in the process will be the preparation of a request for proposals (RFP) to be released to qualified consultants. It is anticipated that the RFP will be released in late December.

FISCAL IMPACT

Staff has been successful in obtaining \$132,795 through the Federal Transportation Grant program. Since the City is required to provide an 11.47% match for this project (approximately \$16,000), staff recommends that Council appropriate a total of \$149,000 for the project from the Street System Improvements Fund.

PUBLIC CONTACT

A major component of the Study will be public outreach to residents in the Cannery Area. Two public meetings will be held to get feedback from the community. Both meetings are anticipated to occur during the Summer/Fall of 2015.

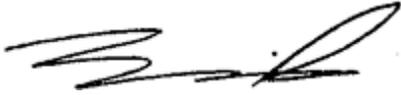
SCHEDULE

| | |
|--|------------------------|
| Release RFP | December 2014 |
| Select Consultant | January 2015 |
| Project Kick-off Meeting with Caltrans | February 2015 |
| Employer/Employee Survey | April 2015 – June 2015 |
| Interim Update to Council | July 2015 |
| Draft Report and Presentation to Council | October 2015 |

Prepared by: Fred Kelley, Transportation Manager

Recommended by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – Acceptance of Grant Award and Authorization for the City Manager to Execute Agreement
- Attachment II: Resolution – Appropriation of Funds

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-_____

Introduced by Council Member _____

RESOLUTION OF THE HAYWARD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) PERTAINING TO A FUND TRANSFER AGREEMENT OF FEDERAL TRANSPORTATION GRANT MONIES TO BE UTILIZED FOR THE CANNERY AREA REGIONAL TRANSIT ALTERNATIVE STUDY, PROJECT NO. 05276

WHEREAS, the City Council of the City of Hayward is eligible to receive Federal and/or State funding for certain transportation planning related plans, through Caltrans; and

WHEREAS, a fund transfer agreement must be executed with Caltrans before such funds can be claimed through the Transportation Planning Grant Programs; and

WHEREAS, the City of Hayward wishes to delegate authorization to execute these agreements and any extensions thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to execute all Fund Transfer Agreements and any amendments thereto with Caltrans, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-_____

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 14-098, AS AMENDED, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2015, RELATING TO AN APPROPRIATION OF FUNDS FROM THE STREET SYSTEM IMPROVEMENTS FUND (FUND 450) TO THE CANNERY AREA REGIONAL TRANSIT ALTERNATIVE STUDY, PROJECT NO. 05276

BE IT RESOLVED by the City Council of the City of Hayward that Resolution 14-098, as amended, the Budget Resolution for Capital Projects for Fiscal Year 2015, is hereby amended by approving an additional appropriation of \$149,000 from the Street System Improvements Fund (Fund 450) to the Cannery Area Regional Transit Alternative Study, Project No. 05276.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: November 18, 2014
TO: Mayor and City Council
FROM: Chief of Police
SUBJECT: Acceptance of Baseball Tomorrow Fund Award

RECOMMENDATION

That Council authorizes the City Manager to accept a \$5,000 award from the Baseball Tomorrow Fund (BTF).

BACKGROUND

On April 14, 2014, the San Francisco Giants Community Fund nominated the Hayward Police Department's Junior Giants program for a \$5,000 grant from the Baseball Tomorrow Fund (BTF). On May 9, 2014, the Police Department submitted a proposal to BTF explaining how the funds, if awarded, would enhance the City's Junior Giants program. On May 18, 2014, Youth and Family Services Bureau (YFSB) Administrator Emily Young was presented with a ceremonial check from BTF by pitcher Tim Lincecum at a San Francisco Giants home game. On October 2, 2014, the Terms and Conditions for acceptance of the grant funds were received. The conditions require a resolution of acceptance from the applicant's governing body.

DISCUSSION

The Baseball Tomorrow Fund (BTF) is a joint initiative of Major League Baseball and the Major League Baseball Players Association to enhance youth baseball programs. The San Francisco Giants Community Fund, which sponsors the Junior Giants program, nominated Hayward due to the success and growth of our program over the last several years. Nearly 800 Hayward youth participated in the City's Junior Giants program last summer.

The proposal submitted for this grant involves acquiring five iPads with wireless Internet connectivity. This will leverage staff and volunteer efforts by allowing online registration on the baseball field, enhancing the ability to track attendance and program participation, and improving communication between staff and participants.

ECONOMIC IMPACT

Acceptance of this funding will support the future of the Junior Giants program and the community's demand for positive summer activities for our youth.

FISCAL IMPACT

Acceptance of this grant will increase the Junior Giants operating budget by \$5,000 without any match requirement or other financial obligation by the City.

NEXT STEPS

If Council authorizes the acceptance of this grant funding, the Hayward Police Department will utilize the money to acquire five iPads for the Hayward Junior Giants program.

Prepared by: Emily Young, YFSB Administrator

Recommended by: Diane Urban, Chief of Police

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD,
AUTHORIZING THE CITY MANAGER TO ACCEPT A BASEBALL
TOMORROW FUND GRANT

WHEREAS, the City of Hayward (the “City”) administers a summer baseball program as a positive opportunity for the youth of our community; and

WHEREAS, the San Francisco Giants Community Fund has recognized the excellence of this program by nominating it for a \$5,000 Baseball Tomorrow Fund Grant; and

WHEREAS, the Baseball Tomorrow Fund Grant requires a resolution from the recipient’s governing body as a condition of award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to accept this grant funding.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward